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Pro-Slavery.

THE SLAVE CASE.

A CASE in which a new principle is involved is up for decision before Judge Paine, of this City, a Judge of the Superior Court. It is not the ordinary case of a slave brought here by his master with intention to remain, in which it has been decided that the slave *so instanti* becomes free; but a case in which slaves on their way from one slave State to another are taken by their master through a free State as a matter of necessity. We say necessity, not in its absolute sense, but in the sense in which it is used by the Constitution in the connection in which it is there used. The Supreme Court have held that it means *a convenient necessity*.

The slaves were on their way to Texas, and, in order to avail themselves of the commerce of this port, they were brought here, instead of being taken to Texas by a circuitous and expensive land route. It is the precise case supposed by Chief Justice Shaw, of Massachusetts, but as to which he said he pronounced no opinion, in an ordinary case in which the slave was brought to Massachusetts to remain. The care of Chief Justice Shaw in separating the case supposed, from the case decided, clearly shows that he thought there was a difference between them, perhaps a wide difference, growing out of those relative rights and duties that appertain to the comity of nations—rights and duties that should be more carefully considered between States occupying, as ours do, the near and delicate relation that flows from our Constitution, than between States wholly separate and independent.

This new case, in which the slaves were seized in their necessary transit through a free State from one slave State to another, is the important one now to be decided. Our Government has claimed indemnity from Great Britain for slaves which, on their passage over the ocean between the United States and the Bahama Islands, were, by stress of weather, driven into British ports, and there set free through the interference of the local authorities. The claim has in some cases been admitted and paid, and the others rejected, or at least not paid. Mr. Webster, as Secretary of State, in presenting the claim to Lord Ashburton, makes the following statement:

"In the Southern States of this Union Slavery exists by the laws of the States, and under the guaranty of the Constitution of the United States; and it has existed in them from a period long antecedent to the time when they ceased to be British Colonies. In this state of things, it will happen that slaves will be often on board coasting vessels as hands, as servants attending the families of their owners, or for the purpose of being carried from port to port. * * The maritime law is full of instances of the application of that *great and practical rule*, that that which is the clear result of *necessity* ought to draw after it *no penalty* and *no* hazard."

On these and other like grounds indemnity was claimed. Now, let us suppose that the slaves, instead of being driven into a British port through necessity, were driven into *this* port. Would the relation between Master and Owner be changed? This is a question that may arise growing out of the ordinary casualties upon the sea; and certainly if the slaves were in that case held to become free by our own tribunal, it would estop us from making the claim which Mr. Calhoun and Mr. Webster, each as Secretary of State, made on the Government of Great Britain. A high comity, looking to the close relations that exist between the several States of the Union, would certainly protect the citizens of one State from hazard or penalty under such circumstances, the result of superior force or necessity.

The case in question is one somewhat of this character. Illinois, a free State, is projected southward between portions of Missouri and Kentucky, slave States. A narrow strip of Virginia extends northwardly beyond the back of the State, between Pennsylvania and Ohio. The ordinary line of land travel between Missouri and Kentucky is across Illinois. The ordinary travel between the point of Virginia referred to and Kentucky is by way of the Ohio River, in boats that stop at ports in Ohio. The principle settled in the case now pending before the Supreme Court, will determine probably the cases that may occur in the travel between Missouri and Kentucky, and Northwestern Virginia and Kentucky by the usual routes—routes that must be considered necessary, as that word is applied to ordinary travel.

What principle, in view of the embarrassments and disturbances likely to result from a rule hostile to the interests of many of the States of the Union, ought the tribunals of the North to lay down on this subject? This is a question of great magnitude, and we do not propose, on the eve of a decision by one of our Courts, to express a decided opinion upon the subject. *The Court doubtless understands that a decision adverse to the rights of Southern citizens will be regarded as an unfriendly act*, and as a ground that treats them rather as strangers than brothers, and that converts a necessity (such it will be regarded) into a matter of loss and punishment. In the present irritable state of feeling between the North and South—the remains of a contest the repetition of which we trust is far distant—all circumstances of further irritation ought on both sides to be avoided. —*Journal of Commerce.*

THE SLAVES OF JONATHAN LEMMON.

WE have already published the decision of Judge Paine, of the Superior Court of this city, in the case of eight slaves of Jonathan Lemmon, who touched at this port on his way from Virginia to Texas, whither he was emigrating, accompanied by his wife, children and servants. He had no design to make any stay here, and no desire even to come on shore; his only object being, to take the quickest and most convenient route to Texas, which he understood to be by steamship from this city. He accordingly embarked at Richmond in a steamer for this port, expecting here to be transferred to a steamer bound to New Orleans. The history of the voyage thus far shall be stated in his own words:

"On the 13th day of October last, I left my home in Bath County, Virginia, with the view of emigrating to Texas, taking with me my wife, seven children, and eight slaves. I reached Richmond on the 30th day of October, and remained there until the Tuesday following, endeavouring meanwhile to engage a passage in some vessel for New Orleans. Finding, however, that no passenger vessel would be sailing from that port to New Orleans for some three weeks thereafter, I went to Norfolk, and took passage in the steamer City of Richmond, for the port of New York, with the intention of proceeding directly from New York to New Orleans; having no idea, before leaving Norfolk, that there could be any difficulty in going to New York with my slaves, and proceeding thence to New Orleans. I had been told and believed that I could do so with entire safety.

"Mr. Ashmead, who was a clerk on the City of Richmond, told me on the voyage to New York, that I need not be at all uneasy about losing the slaves; that the law was in my favour in New York, and was bound to protect me in the possession and property of my slaves; and that the Mayor of that city would see that it was done, provided any difficulty should occur. Mr. Ashmead promised me, whilst on our way to New York, that he would, immediately after the City of Richmond got into the harbour of New York, procure a passage for myself, family and slaves, in some ship going at once from that port to New Orleans.

"Under these circumstances, and thinking that all was right, I arrived in the harbour of New York, about half-past four o'clock in the afternoon, on the 5th instant.

"When the City of Richmond had thus arrived at New York, Mr. Ashmead went ashore, telling me that he was going to procure a passage for us in a steamer ready to sail for New Orleans. After an absence of about an hour or an hour and a half, he returned, and stated to me that he had been unable to find the man whom he went to see in regard to obtaining the passage, but handed to me a piece of paper which he said contained the name of that person, and directed me to go with it to a place in South street. I went there accordingly, and at the door met a man who said to me that he was the individual named in the paper. I told him that I wanted to engage a passage for New Orleans in a vessel proceeding at once to that port, upon which myself, family and slaves could be placed that night. He replied that he would immediately transfer all of us that night to the steamer Memphis, which would sail for New Orleans the next morning. I then went with him inside the office, where passage tickets were given to me. He then stated that he would send round for my family, slaves and baggage, to the City of Richmond, and transfer everything on board of the steamer Memphis. He and I then went to the City of Richmond, and very soon two hacks came there, which he stated had been ordered by him, and into which myself family and slaves got, under his direction, he saying to us that they were to convey us to the steamer Memphis. The hacks, then, instead of proceeding to the steamer Memphis, drove round to his office in South street. Here I was told that I must pay our fare before being put on board of the Memphis. I then paid the amount, being $161. As soon as this money was paid, the hack drivers refused to take us to the steamer Memphis, but carried us, against our earnest protest, to a house, No 3 Carlisle street, dropped us down upon the sidewalk, and drove off. It was now dark, and we, being utter strangers in the city, were compelled to stay at that place till morning. The next morning, the 6th instant, the steamer Memphis sailed, leaving myself, family and slaves, and whilst she was departing from the wharf, word was sent to me that my slaves had been taken into Court. The result of the proceedings in Court has deprived me of all my property, amounting, at least, to $5,000.

"JONATHAN LEMMON.

"NEW YORK, Nov. 17, 1852."

If this is a correct statement, as we presume it is, it shows that an innocent man has been robbed of his property, some $5,000 in value, being all that he had in the world, for no other offence than touching at the port of New York, in his transit from one slaveholding State to another slaveholding State; and further, that the robbery was effected by means of an infamous fraud. Who sent those carriages professedly to take Mr. Lemmon and his family to the steamer Memphis, but in reality to drop them down in Carlisle street, strangers in a strange city, that they might *not* be able to depart in the steamer Memphis? Or, had the drivers been tampered with by the Abolitionists, and bribed to carry the strangers to Carlisle street, instead of going to the dock where the Memphis was lying? It is clear that somebody told a string of falsehoods in order that a $5,000 robbery might be committed under the forms of law. We hope that the authors of the mischief, whoever they may be, will be ferreted out, and punished as they deserve.

As to the decision of Judge Paine, it does not become the writer, who is not a lawyer, to dispute its correctness. But we may properly array against it the opinion of the able, learned and discriminating Judge Grier, of the United States Circuit Court, sitting in Philadelphia in October last, who, in charging the Jury in the case of Cecil Oliver and others against David Kauffman and others, held the following language:

"It has been contended that these slaves became free by the act of the plaintiffs, in voluntarily bringing them into the State of Pennsylvania.

"This question depends upon the law of Maryland, and not of Pennsylvania. This Court cannot go behind the *status* of these people where they escaped. We know of no law, or decision of the Courts of Maryland, which treats a slave as liberated who has been conducted by his master along the national road through the State of Pennsylvania. On this subject, Lord Mansfield has said some very pretty things (in the case of Somerset), which are often quoted as principles of the common law. But they will perhaps be found, by examination of later cases, to be classed with rhetorical flourishes rather than legal dogmas. Since the former trial of this case, the point has been decided in the Supreme Court, as I think. But, however that may be, the point is ruled in favour of the plaintiffs, for the purposes of the present case, as we desire to have your verdict on the facts of the case, which are so much contested."

The point here made, is substantially the same as that involved in the decision of Judge Paine. Judge Grier declares in effect, that the slaves in question did *not become* free by the act of the plaintiffs in voluntarily bringing them into the State of Pennsylvania, for the purpose of transit. Judge Paine, in the case of Lemmon's slaves, takes the opposite ground. These slaves, like the others, were merely passing through, or rather touching at, a non-slaveholding State, on their passage from one slaveholding State to another, accompanied by their master.

It is to be noted, however, that Judge Paine grounds his decision in a considerable measure upon a law of the State of New York passed in 1841, under the administration of Governor Seward, which declares that "every person held as a slave who hath been introduced or brought into this State, contrary to the laws in force at the time, shall be free." Beyond a doubt Judge Paine's decision was in accordance with this law, and demanded by it; unless he was prepared to take the ground that the law itself is unconstitutional, and therefore void. This ground he did not take, but on the contrary held that the Constitution is silent on the subject, or to that effect. Whether the *spirit* of the Constitution is equally so, is not so clear. However we are glad to know that higher tribunals will have an opportunity to review the case, which it is probable will be ultimately carried to the Supreme Court of the United States. An appeal to the Supreme Court of this State will, it is expected, be allowed to-day. The question is of great importance to the South, and will be thoroughly tested, before the right of transit for slaves by the most convenient routes from one slave State to another will be abandoned. It is also of some importance to the North; for not only will Judge Paine's decision, if sustained, deprive our steamers of a portion of the business which would otherwise fall to them, but it will lead to the establishment of competing lines, further South. Already we find a proposition to this effect in the *Baltimore Patriot*, as follows:

"The matter is one of deep interest to all the Southern States and presents a difficulty in the way of removal from one Southern State to another, which requires that other facilities than those now possessed should be afforded for such purpose. If there had been a line of steamers running from this city to New Orleans, as there ought to be, this case, which must excite a deep feeling in the South, would not have happened—for the parties from Virginia, as all others similarly situated, would have taken it, instead of going to New York. We suggest the matter to those interested in our steam navigation, and there can be no doubt that if a line of steamers were established to run between this city and New Orleans—indeed, lines to run between Baltimore and all the principal Southern ports—they would not only pay those who invest in them, but prove of great advantage to the trade of the city."

If the unneighbourly, impolitic, and every way injurious prohibition involved in the New York law aforesaid is to be persisted in, humanity would require us to be willing that the proposed Baltimore and New Orleans line should be established. The transit of slaves by convenient and rapid steamers, to the distant South, is certainly more for their comfort than to march them across the country, or convey them in sailing vessels to the same destination. In this case, therefore, as in most others, Abolitionism discomforts and injures the slave, while professing to befriend and benefit him.

The case of these Lemmon slaves, and its exceeding hardship both to them and him—for it is not likely they will be as well off in the hands of the Abolitionists as they would be in his—will at least have one good effect, by turning the attention of our legislators and people to the repeal of the provision under which the decision has been made. Fortunately we have a more conservative Legislature elect than we have before been favoured with for many years; and among others of its acts we trust the repeal of this Abolition excrescence will not be overlooked or forgotten. The last Legislature of Pennsylvania repealed the enactment of a previous Legislature which forbade the use of its prisons by fugitive slaves arrested under the laws of the United States, and the repeal has proved to be decidedly popular. One thing more our Legislature should do, and that is, appropriate $5,000 or $5,500 to indemnify Mr. Lemmon for the robbery which has been committed upon him under said law. Meanwhile it has been suggested that, to relieve him from present suffering, inconvenience and damage, and to allay the bad feeling which otherwise this robbery will produce throughout the slaveholding States, a Fund of $5,000 be raised, in shares of $50 or $100 each, to be paid over unconditionally to Lemmon, and to be reimbursed to the subscribers when the appropriation is made by the Legislature as aforesaid. We believe that such a Fund can be easily raised; and we are sure that, taking into view its various influences and bearings, national, social, commercial, and political, it will be money well and economically expended. Mr. Lemmon will probably leave here to-morrow for New Orleans, as his furniture has gone forward in the Memphis, and he must go and try to recover it, whether he proceeds to Texas or not. In the mean time, let this money be raised and remitted to some Bank in New Orleans for his benefit, and a noble act of healing will have been performed, which all concerned in it will have occasion to remember with pleasure.

We have reason to believe that no man will co-operate in such a movement more readily, and with greater cordiality, than the learned Judge who felt it his duty, under the law which he was called to administer, to inflict such an act of cruelty upon Mr. Lemmon. Although we could wish that the decision had been otherwise, yet we honour the integrity of the Judge, and the feelings of the man.

There is one idea which to a certain class of our readers it may not be amiss to present. It is this: The slaveholding States will never learn to discriminate between the confiscation of slaves, and other descriptions of property. And if New York plants herself on her sovereignty while robbing citizens of Virginia, we need not be surprised to hear of reprisals in Virginia upon the property of New Yorkers. It is a game which two can play at, and in which the party is likely to lose most which has most to lose.

Since writing the above, we have met with an article on the subject in the *Philadelphia Bulletin*, the closing paragraph of which we subjoin:

"The practical effect of this decision on the South will be to increase the irritation already existing there, and especially to injure, to a very considerable degree, the trade of New York with that region. It will have another result also, and one that will affect the slave. Hereafter, when emigrants move from Virginia, or other of the Atlantic slave States, in the South-West, they will be compelled to travel by land, with their slaves, and the hardships of the journey will necessarily fall chiefly, if not altogether, on the latter. It will no longer be safe for masters to carry their slaves down the Ohio, by steamer, since, under this decision, the slaves may be seized, under a *habeas corpus*, at any stopping place on the Northern side of the river. In fact, how momentous this decision is, few persons have yet conceived. But time and circumstances will develope this."

It has been seen above, 1. That the decision is liable to be overruled by higher tribunals; and 2. That the law which was supposed to make the decision necessary, is liable—we trust we may say likely—to be repealed at an early day. We must and will get rid of the villainous sectional legislation adopted during the triumph of Sewardism.

If our merchants approve of the suggestion of a $5,000 loan to indemnify Lemmon for his losses, we should be glad to hear from them, in any way which is most agreeable. Perhaps a few of them will act as a committee to direct the movement. One gentleman has authorized us to put him down for $100; another for $50. Both are professional men. What say the merchants?—*Journal of Commerce.*

THE SLAVE CASE.

THIS case (and an absurd and hard case it is too) is to be decided by Judge Paine, next Saturday. The ground on which the Abolitionists set up the claim of the negroes to freedom is perfectly ridiculous, and more outrageous than anything of the kind of which we have ever heard. There is no principle even in the Maine law that equals it; for in Maine, the hot-bed of fanaticism, it was decided that liquor in transitu, or passing through the State from one place to another, was free from all interference under the liquor law, however rigidly construed. An attempt was made at first to seize upon all liquors within the limits of the State, under whatever circumstances; but the idea of seizing liquor passing through the State, like any other property, was too absurd and unjust to go down the intellectual gullets of even a set of Maineiacs.

We didn't marvel much, however, at such a ridiculous proceeding in a State that was so imbecile as to enact a law like the Maine law; but since the same principle is made the foundation for legal proceedings in the Empire City of the Empire State, we must say that we are inclined to think that we have overrated the intelligence of our citizens. We never thought that an Abolitionist would do anything more sensible or more just, but we did think that some of our judges and lawyers knew too much to engage in such an undertaking—or at least would have judgment and independence enough to summarily dispose of the matter. But it seems we were somewhat mistaken even in this, and it is not improbable that a poor woman is about to be robbed of all her property, and left penniless in the world, because in moving from one section of the country to another she happens to pass through the enlightened State of New York. She has already been detained a week, and a decision as to whether, by this criminal act of hers, she has forfeited all her possessions in the world, will be given in writing by Judge Paine, next Saturday.

We don't know what Judge Paine may do in the matter, but if he does not rob this poor woman under cover of the law, it will not be for lack of Abolition capital and Abolition influence. We can hardly believe, however, that the learned Judge will so construe the law; but if he does, it will be one of the most serious things that has ever occurred in regard to Slavery. It will set the Union in a ferment again on this question; the South will bring the subject before Congress at the earliest possible moment, and a law securing to travellers their property, under the circumstances of the present case, and all similar cases, must pass, or the perpetuity of the Union will be more seriously menaced than it ever has been before. But we cannot cease hoping that Mrs. Lemmon's property will be restored to her, and this vile scheme of the Abolitionists be put down.—*Day Book.*

A HIGHER LAW TRIUMPH.

LEGAL SANCTION OF HIGHWAY ROBBERY—THE HUMANITY OF THE ABOLITIONISTS SATISFIED.

WE now have to record the first instance of the complete triumph of the "higher law," the subordination of the Constitution of the United States to so called State police regulations, and the legal sanctioning of highway robbery. A citizen of Virginia in passing through the harbour of New York, en route for Texas, has been robbed of her entire property, not leaving her even enough to enable her to reach home; the robbery has been legalized by the decision of Judge Paine on the bench of the Superior Court of this State; eight slaves unused to and unprepared for taking care of themselves have been liberated here in this city to become paupers, thieves and prostitutes; and the humanity, but not the viciousness, of the New York Abolitionists has been satisfied.

It is evident from the learned Judge's decision, that all trial and expense might have been passed over as utterly useless, as he could have given his opinion as well before as after the pretended trial. He was unquestionably determined from the start to comply with the wishes of the "higher law" advocates, and he set himself to work to make the best apology for such compliance that it was possible for him to make. The "higher law"—that law which allows all persons to do just as they please—is the only code which is sufficiently comprehensive for the expressive ideas of the learned Judge; and the so called police regulations of a State are a sufficient excuse in his mind for his setting aside justice and the Constitution of the United States. He makes a show of impartially examining the different points presented, but takes good care that his favourite side shall have the benefit of all doubts, and in all instances where the law does not in direct language positively deny a "higher law" construction, he interprets it to suit the teachings and prejudices of Abolitionism. As an instance, after basing himself on the "great presumption of the common law that all men are entitled to their freedom," and thus placing the idiot and brute negro on the same footing with the highest intellectual beings, he says, in reference to the law of nations which gives strangers the right to pass through a nation with their property, "the property which the writers on the law speak of is merchandise or *inanimate things*." Now, it is quite evident to any one of common sense that the law of nations does not confine property solely to "inanimate things"—but, according to the learned Judge's construction, it would as readily prohibit a man from holding property in a horse as in a negro. That this is the real view taken by the learned Judge, as narrow as that view may seem to be, we quote further:

But the property or merchandise spoken of by writers on the law of nations which the stranger may take with him, *being mere inanimate things*, can have no rights; and the rights of the owner are all that can be thought of. It is, therefore, necessary to look still further and to see what is the state of things, by the law of nature, as affecting the rights of the slave, when an owner finds himself, from necessity, with his slave in a country where Slavery is not legalized or is not upheld by law.

The result of the learned Judge's "looking still further" is this—The horse or negro, or ass, which has no rights in one nation, becomes instantly possessed of rights when he enters another nation, and is therefore free, because he is *animate!* To show positively that this is the learned Judge's conclusion, we quote again:

We must look still further to see what is to be done with the claims of the slave. There being now no law but the law of nature, the slave must have all his rights under that, as well as the master; and it is just as much a slave's right under that to be free as it is the master's to pass through the country. It is very clear, therefore, that the slave has a right to his freedom, and that the master cannot have a right to take him with him.

The learned Judge then "looks still further," and discovers that the United States Constitution gives Congress no power to legislate on the subject of Slavery further than it already has done; and that "having legislated separately upon the subject of Slavery to a very limited extent and there stopped, it has thereby shown its intention to dispose separately and completely of that subject, so far as it was to be disposed of, and has not left to Congress any power over it under the general provisions relating to commerce." And the learned Judge further adds:

For under any other view of the subject, the provisions in relation to the importation of slaves and to fugitive slaves would be entirely superfluous If the constitution had intended to give Congress power over Slavery by the general provision in relation to commerce, that provision is, of itself, quite sufficient by its letter or terms, to enable Congress to do all that they are specially empowered to do by the clauses expressly relating to Slavery; and as an expression or power takes away a power which might otherwise be tacitly implied, I think it has clearly done so in this instance.

According to this decision, Congress has no power to legislate on the subject of delivering up fugitives from justice, for the Constitution as fully disposes of this matter as it does the delivery of fugitives from service. So if New York should pass a law prohibiting criminals from being brought into the State "under any pretence whatever," she would only be obliged to deliver up actual fugitives from justice. If an officer having a criminal in charge should find it convenient or necessary to take him through the harbour of New York, as Mrs. Lemmon did her slaves, the criminal would be entitled to his freedom. There is such a superabundance of philanthropy in this State that it need not at all surprise us to see such a law smuggled into our statute books, in which case a fugitive from justice and a fugitive from service, if voluntarily brought into the State, would both stand in the same light in the eyes of the law—and Congress would have no power to legislate on the matter, according to Judge Paine, because the Constitution "legislated separately upon the subject of criminals, to a very limited extent, and there stopped, thereby showing its intention to dispose separately and completely of that subject so far as it was to be disposed of!"

In regard to the power which the Constitution delegates to Congress, there has been much said all over the Union; and every pretender hesitates not to declare that Congress has very little if any power, if granting his position to be right would help his case. The learned Judge appears to be one of those who are of the opinion that Congress is not of much consequence, and we would like to see his interpretation of the first of section 8, article 1, of the Federal Constitution. It reads thus:

The Congress shall have power to lay and collect taxes, duties, imports and excises, to pay the debts and provide for the common defence and GENERAL WELFARE of the United States, &c.

Now, what is and what is not comprehended in the phrase "general welfare?" If it does not give Congress a *carte blanche*, it certainly comes very near it—and more especially as the same section gives it the power "to make all laws which shall be necessary and proper for carrying into execution all powers vested by the Constitution in the government of the United States, or in any department or office thereof." The phrase "general welfare" means, if it means anything, that Congress has power to take any step necessary to promote peace and harmony, and to perpetuate the Union. The amendment that "the powers not delegated to the United States by the Constitution, nor prohibited by it to all the States, are reserved to the States respectively, or to the people," cannot nullify this power, for it is a power delegated to Congress as plainly by the phrase "general welfare" as is the power given in the phrase "common defence."

Congress having the power to provide for the general welfare, the law of the State of New York which robs a citizen of a slave State of his property, while travelling on the national highway—and thus disturbs the general welfare of the United States, by exciting internal disturbances, which even threaten the destruction of the Union—is manifestly a gross infringement of the Federal Constitution, and Congress is bound to enforce redress of all wrongs growing out of such usurpation of power on the part of the State. But Judge Paine has decided that the law under which a citizen of Virginia has just been robbed, is right and Constitutional, and that Congress has no power to interfere. If this decision can be sustained, then Congress is worth nothing, the Union is worth nothing, and all sensible men will wonder, if they do not laugh, at the folly of our forefathers in entering into a confederacy which has no object, and therefore is of no benefit to any one, but on the contrary has caused a vast deal of trouble and expense.

On "looking still further," it is our opinion that the learned judge not only overlooks the object of the confederacy, and misinterprets the Constitution as well as the law of nations, but that he misconstrues the Statute where it says "under any pretence whatever." If that phrase was intended to include slaves in transitu, we believe it was introduced without due consideration—without weighing the ruinous consequences to which it would lead; and we further believe that the next Legislature will so decide upon the matter, or that the phrase is misinterpreted, and thereupon will so amend the law that it will be in harmony with the United States Constitution and the demands of strict justice.

On "looking still further," we observe that the learned Judge studiously avoids that clause in the United States Constitution which says: "Full faith and credit shall be given in each State to the public acts, records and judicial proceedings of every other State;" and that he avoids all allusion to the decision in the United States Circuit Court, given by Judge Grier, in the case of a Southerner against Kauffman (a case exactly in point), in which it was declared that "that court could not go behind the laws of the State whence the slaves had come." But Judge Paine takes up that clause of the Constitution which says: "The citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States," and interprets it thus:

I have always understood that provision of the constitution to mean, *at least so far as this case is concerned (!)*, that a citizen who was absent from his own State, and in some other State, was entitled while there to all the privileges of the citizens of that State. And I have never heard of any other or different meaning being given to it. It would be absurd to say, that while in the sister State, he is entitled to all the privileges secured to citizens by the laws of all the several States or even of his own State; for that would be to confound all territorial limits, and give to the States not only an entire community, but a perfect confusion of laws.

According to this, a citizen of Virginia would have a right to vote in the State of New York, which our special statute denies to him, and a husband and wife in the State of New York would cease to be husband and wife the moment they stepped into one of the New England States. This would avoid a "confusion of laws," &c., and in the learned Judge's estimation, we suppose, would give "full faith and credit to public acts, records and judicial proceedings of every other State."

But to wind up this long string of absurdities, the learned Judge, seemingly apprehensive that he is not quite right, excuses himself thus:

Not thinking myself called upon to treat this case as a casuist or legislator, I have endeavoured simply to discharge my duty as a Judge in interpreting and applying the laws as I find them.

The learned Judge has evidently not read the Constitution of the United States, or is troubled with a very short memory, else he would not have considered his duty as a judge to consist in "simply interpreting and applying the laws as he found them." In article 6 of the Constitution, he will find the following:

This Constitution and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, *shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.*

But we are tired of reviewing such a bundle of nonsense—the first legal decision ever made in the United States under the "higher law." It is far ahead of anything ever accomplished by Paine, the water-gas man, and ought to damn its author "to everlasting fame."—*Day Book.*

THE SLAVE CASE.

THE voluntary introduction here of slaves from Virginia, *in transitu* for Texas, discloses to us once more the antagonist elements of our complicated form of Government, and the difficulties under which that form of Government is always labouring. There is no doubt of the right, ordinarily (though Maine made an exception in the Maine Liquor Law), of a citizen of one State to transport his property through another State; but a slave is a mixed entity, part person and part property; and though the property part of him might be passed through New York *in transitu*, yet the person part of him, it is decided now, cannot be. The principle adjudicated by Judge Paine is a very important one, and one which, independent of the New York statute upon the subject, might have admitted of much doubt; but under that statute we do not see how the case could be decided otherwise than he decided it. The State Law undoubtedly intends to prohibit the introduction of slaves here under any pretence, or in any form whatever; and this being a voluntary introdution, from no imperious, overwhelming necessity, it certainly comes within the purview of the Law.

The decision is of importance to us on the Atlantic, but it is of more importance on the Western rivers, where free States, as on the Ohio, border on slave states, and where slaves are constantly *in transitu* from Virginia via Cincinnati, Louisville, and the ports on the Illinois and the Mississippi. It was contended in the case before us, we see, that it was a natural course of trade—that is to say, the steamers to New York, thence to [illegible] case will, however, create more than an ephemeral excitement.

"Here is a new and startling question sprung upon the country, and at a very important crisis. The question involves the most momentous considerations of good faith between the North and the South. It has heretofore been considered that both sections of the Union are under the same General Government, and that, according to the Constitution of the United States, 'the citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States.' This would clearly imply that the privilege to a citizen of Virginia to carry his slaves through that State would also apply to the State of New York or any other State of the Union.

"If citizens of the South are thus to be excluded from passing through the non-slaveholding States with their property, the spirit and intent of the Constitution are subverted and at an end, and the work of separating the two sections is practically commenced. In fact, this remarkable decision, in this extraordinary case, is one step taken toward the division of the Union into two nationalities.

"It is, perhaps, fortunate at this juncture, when the Abolition movement of the North is on the eve of assuming a new and more formidable shape than ever—it is, perhaps, fortunate that in the new Administration decreed by the people we have an abiding guarantee that the letter and spirit of the Constitution will be enforced. Were it otherwise, we might well regard this case as the reopening of the Slavery agitation in the most alarming form, and upon an issue wholly unanticipated by the public. As it is, we shall soon hear whether the South are willing that the compromises of the Constitution shall be superseded by the laws of any State, or by the decisions of any tribunal upon them, short of an appeal, at least, to the Supreme Court. We have not yet had the end of this case."—*Herald.*

Selections.

THE SLAVE CASE—PLEAS OF COUNSEL.

WE copy below a report of the arguments of counsel in the recent Slave case in this city, with the amended return made in behalf of Mr. and Mrs. Lemmon, the claimants:

New York Superior Court.—The People of the State of New York, ex rel Louis Napoleon, vs. Jonathan Lemmon, Respondent.—Jonathan Lemmon, respondent above named, for return to the writ of *habeas corpus* issued herein, states and shows that the eight persons named in said writ of *habeas corpus* are the property and slaves of Juliet Lemmon, the wife of this respondent, for whom they are held and retained by the respondent. That the said Juliet Lemmon has been the owner of such persons as her slaves for several years last past, she being a resident and citizen of the State of Virginia, a slaveholding State; that under and by virtue of the constitution and the laws of the State of Virginia, the aforesaid eight persons, for several years last past, have been and now are held or bound to service or labour as slaves, such service or labour being due by them as such slaves to the said Juliet, under and by virtue of the constitution and laws aforesaid. That the said Juliet, with her said slaves, persons or property, is now in *transitu*, or transit, from the State of Virginia aforesaid to the State of Texas, the ultimate place of destination and another slaveholding State of the United States of America, and that she was so on her way in *transitu* or transit, and not otherwise, at the time when the aforesaid eight persons, or slaves, were taken from her custody and possession, on the sixth day of November instant, and brought before the said Superior Court of the city of New York, or one of the Justices thereof, under the writ of *habeas corpus* issued herein; that, by the constitution and the laws of the State of Texas aforesaid, the said Juliet is, and would be, entitled to the service or labour of the said slaves, or persons, in the manner as they are guaranteed and secured to her by the constitution and laws of the State of Virginia aforesaid; that said Juliet never had any intention of bringing the said slaves, or persons, into the State of New York to remain or reside therein, and that she did not bring them into said State in any manner or purpose whatever, except in *transitu*, or transit, from the State of Virginia aforesaid, through the port or harbour of New York on board of steamship for their place of destination, the State of Texas aforesaid; that the said Juliet as such owner of the aforesaid slaves or persons was, at the time they were taken read an extended opinion, which will be found in our columns this morning, and decided that the negroes should be discharged. Efforts will be made to procure a stay of proceedings, that this decision may be passed upon by the highest tribunal; but as this can only be obtained by writ of *certiorari* in the Supreme Court, and as there seems to be no method of keeping the liberated slaves within jurisdiction of the Court, it is to be feared that the question may not receive that consideration which its gravity demands.

Judge Paine rests his decision upon his views of the natural rights of individuals, and upon his construction of the Revised Statutes of this State of 1841. Several cases similar to this have been decided by the Courts of other States, and always in favour of the owners of the slaves: it having been held that a citizen of any one of the United States had the right to pass through any other State, and carry with him unmolested his property of whatever description. When, therefore, a holder of slaves passed through a Free State on his way to a Slave State, it was held that his slaves, although not fugitives and not to be claimed by him under that clause of the Constitution relative to fugitive slaves, did not become free. The present decision opposes this doctrine; and, as far as this State is concerned, deprives all citizens of Slave States from emigrating or travelling with their slaves. If this opinion be sustained, a slaveholding citizen, if he wish to pass through New York or enter it for the shortest period, must be content to leave a part of his property behind him on pain of loosing it. Judge Paine admits the right of the citizen of one State or country to pass through another with his property; but considering that right to exist only by the law of nature, he thinks that such property only as is held in accordance with that law can be protected by it. Slaves, he decides, are not so held, and therefore cannot be brought for any purpose or for the least possible time into a State which does not recognise Slavery, without thereby at once acquiring their freedom. The law of nature which gives the master his right of transit also deprives him of the right of property in his slave which he possessed at home only in consequence of peculiar statuary provision. The repeal of Sec. 6, Title 7, Chap. 1, of the first part of the Revised Statutes which provided especially for such cases as the present, is considered by his Honour as making these and all slaves similarly situated absolutely free.

We must admit that this decision appears to be more than plausible. Did its consequences involve only this single case, it would be of little moment, because it is not possible to make laws which shall be at once just upon general principles and fitted to secure entire justice under all circumstances, and to every individual. But this judgment deprives at a word the citizens of fifteen States of the right to bring to New York what is property in their own States, although they have no intention to become even temporarily citizens of New York. It surely is an important question, and we trust will be definitively adjudicatured by the Supreme Court of the Union.—*Courier and Enquirer.*

"THERE has been in this case a decided Abolitionist triumph—a victory *coerced by law*, not governed by justice; for it is not justice to take from citizens of a slaveholding State their property, and thus to send them adrift upon the world, deprived of that which they inherited and had held for years.

"It appears that Mr. and Mrs. Lemmon owned those eight slaves—two women, one man, and five children—and were on their way with them from Virginia to Texas, where they proposed to settle. On arriving in New York, the Abolitionists, who had been telegraphed the fact, went armed with a *habeas corpus*, and brought them before the Court, where they demanded their discharge on the grounds that, being in a free State, they could not be held in bondage. Their manumission was received with great [illegible] case will, however, create more than an ephemeral excitement.

"Here is a new and startling question sprung upon the country, and at a very important crisis. The question involves the most momentous considerations of good faith between the North and the South. It has heretofore been considered that both sections of the Union are under the same General Government, and that, according to the Constitution of the United States, 'the citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States.' This would clearly imply that the privilege to a citizen of Virginia to carry his slaves through that State would also apply to the State of New York or any other State of the Union.

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Selections.

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New York Superior Court.—The People of the State of New York, ex rel Louis Napoleon, vs. Jonathan Lemmon, Respondent.—Jonathan Lemmon, respondent above named, for return to the writ of *habeas corpus* issued herein, states and shows that the eight persons named in said writ of *habeas corpus* are the property and slaves of Juliet Lemmon, the wife of this respondent, for whom they are held and retained by the respondent. That the said Juliet Lemmon has been the owner of such persons as her slaves for several years last past, she being a resident and citizen of the State of Virginia, a slaveholding State; that under and by virtue of the constitution and the laws of the State of Virginia, the aforesaid eight persons, for several years last past, have been and now are held or bound to service or labour as slaves, such service or labour being due by them as such slaves to the said Juliet, under and by virtue of the constitution and laws aforesaid. That the said Juliet, with her said slaves, persons or property, is now in *transitu*, or transit, from the State of Virginia aforesaid to the State of Texas, the ultimate place of destination and another slaveholding State of the United States of America, and that she was so on her way in *transitu* or transit, and not otherwise, at the time when the aforesaid eight persons, or slaves, were taken from her custody and possession, on the sixth day of November instant, and brought before the said Superior Court of the city of New York, or one of the Justices thereof, under the writ of *habeas corpus* issued herein; that, by the constitution and the laws of the State of Texas aforesaid, the said Juliet is, and would be, entitled to the service or labour of the said slaves, or persons, in the manner as they are guaranteed and secured to her by the constitution and laws of the State of Virginia aforesaid; that said Juliet never had any intention of bringing the said slaves,

from her as aforesaid, on the writ of *habeas corpus*, and she was thereby deprived of the possession of them passing with them through the said harbour of New York, where she was compelled by necessity to touch or land, without on her part remaining, or intending to remain, longer than necessary. That the said slaves have not been bought up by a negro trader, or speculator, and that the allegation to that effect, made in the petition of one Louis Napoleon above named, is entirely untrue. That the said Juliet is not, and never was, a negro trader, nor was nor is this respondent one. That the said persons or slaves were inherited by said Juliet Lemmon, as heir at law, descent, or devise of William Douglas, late of Bath county, in the State of Virginia aforesaid. That it is not, and never was, the intention of the said Juliet to sell the said slaves, as alleged in the petition of the relator, nor to sell them in any manner. This respondent, further answering, denies that the aforesaid eight persons are free; but on the contrary, shows that they are slaves as aforesaid, to whom and to whose custody and possession the said Juliet is entitled. Respondent further shows that the said slaves, sailing from the port of Norfolk, in the said State of Virginia, on board the said steamship Richmond City, never touched, landed, or came into the harbour or State of New York except for the mere purpose of passage and transit from the State of Virginia aforesaid to the State of Texas aforesaid, and for no other purpose, intention, object or design whatever.

That the said Juliet, with her aforesaid slaves, was compelled, by necessity or accident, to take passage in the steamship City of Richmond, before named, from the aforesaid port of Norfolk and State of Virginia, for the State of Texas aforesaid, the ultimate place of destination. That the said slaves are not confined or restrained of their liberty against their will, by the respondent or the said Juliet, or by any one on her behalf. HENRY D. LAPAUGH,
Attorney for Respondent, Jonathan Lemmon.

Subscribed and sworn before me, this 9th day of November, 1852.—E. PAINE.

Mr. Culver addressed the Court as follows: If the Court please, our motion, which is the foundation for this writ of *habeas corpus*, states certain facts and we suppose these facts are to be taken as true, unless the other side controvert them in their return to the writ of *habeas corpus*. Our petition sets forth that these persons were brought into this city on board of the City of Richmond; that they were taken from thence after these proceedings were commenced, carried round the city, and finally lodged at No. 3 Carlisle street, where they were found. That they were there detained in custody by this defendant, Lemmon, and his agent, their return does not deny; nor does it deny that they were brought in that vessel to this city, but admits it. It does not say anything about where they were found, but admits they were found in the city of New York, in this place; and it further alleges that these persons are the property of Mrs. Lemmon. It admits further that they were brought here for the purpose of being taken to another place, or, in other words, that they were in *transitu* to Texas, and that Slavery is allowed by the laws of Virginia and Texas, which we knew before. In the first place, we ask the discharge of these persons upon four independent grounds. Firstly, that by the great presumption of the common law they are entitled to their freedom. The provisions of the common law are in favour of the personal rights, liberty and freedom of every individual; and unless you can overcome that presumption by some positive local statute, it must prevail and give to every man his freedom. The second ground is, that by the adjudications made from time to time, not only in free but in slave States, again and again, that by bringing these persons within or to, a locality where Slavery is not in existence, and has no legal evidence, they are made free. If I should be wrong in both these positions, which are based upon the common law, then I maintain that I am right under the statute of the State of New York, and that, I believe, is pretty good law in this country. By this statute it will be found, in sections 1 and 16, which relates to the importation of persons held as slaves, that the Legislature has said, many years since, that hereafter every person born in this State is to be free, and that every person heretofore born in this State is free, and then goes on and declares that every person imported into this State, under any pretence whatever, except as provided for in that statute, is by that act made free. It will devolve upon the other side to show that they come within the exceptions. In looking through this statute, I find that there were some exceptions made. It was about that that the legislature had its eye upon Saratoga Springs, for they provided that persons coming here, and bringing slaves, could retain them for a period of nine months, and then take them back. Sections 3, 4, 5, 6 and 7, were the only seemed to limit the general rule which the legislature has laid down in the first section of that statute. But in 1841, as we got rid of the last dregs and abominations of Slavery, the Legislature in both houses, by a large majority, swept away the fourth and fifth sections from our statute book, and no longer made it allowable for a man to come to Saratoga Springs, or to the city of New York, and sojourn with his slaves. This, therefore, leaves a cleaner sweep for the general provision. Therefore, one of those exceptions left is that where a person secrets himself on board a vessel in port in a slave State and comes off to a free State, the Legislature has provided that some of the officers of that ship might take him back again; but so jealous is the law in this State with regard to personal rights that they will not allow the captain to take him back. This is reported in the *Legal Observer*, in a case tried before Judge Edmonds. That is the third ground upon which we move the discharge of these persons by the positive provisions of the State of New York, unless the counsel on the opposite side can convince the Court that the question comes up upon some of the exceptions left. The fourth ground upon which I claim to have these persons discharged is by the act of the defendant and his wife. They have admitted in their return that they brought these persons here in *transitu* with the intention of taking them to Texas. I believe it is in section nine that any person who shall export, or carry a person held as a slave out of this State to another place, that that in itself shall work the freedom of the slave; and it goes further, and declares that not only the exporting but any attempt to export a person held as a slave makes him free. So the defendants here, by the attempt which they have made in endeavouring to procure a vessel to proceed to Texas, and keeping these persons in imprisonment, which facts they have alleged in their return, have saved us any further trouble. That act alone works the freedom of man, woman and child. These are the four grounds upon which we say we are entitled to the freedom of these persons; and I now ask your Honour's attention to some adjudications which have been made, and which have a direct bearing on this case. I stated first, that the great presumption of the common law is in favour of personal liberty. I quote now from Wheeler's Law of Slavery, which was written in 1837, long before the agitation which shook the public mind from its balance took place, in which is gathered up all the decisions made on that subject in all the courts of the United States and the State courts. I find, in pages 362 and 363, some of the conclusions which Justice Shaw arrived at in a case that came before him in the State of Massachusetts. He remarks: While Slavery is considered as unlawful in both this State and in England, and this because it is contrary to natural right, and to the laws designed for the security of personal liberty, yet in both the existence of Slavery is recognised in other countries, and the claims of foreigners growing out of that condition is respected. Lord Mansfield was of opinion that Slavery could not be introduced upon any reason, moral or political, but only by positive law, and that it was so odious that nothing could be suffered to support it but positive law. I read this simply to show that Slavery is in derogation of personal freedom. The same doctrine is clearly stated in the full and able opinion of Chief Justice Marshall, 10th Wheeler, 120, in which he says that Slavery is contrary to the law of nature, and that every man has a natural right to the fruits of his own labour, and that no person can deprive him of those fruits and appropriate them against his will. In the case of Forbes vs. Cockrane, 2d Barnwell and Creswell, and in Wheeler, 366, the same Judge states that the law of Slavery is a law *in inventum*, and where a party gets out of the territory where it prevails, without any wrongful act, the right of the master, founded upon municipal law of the place, does not continue. He ceases to be a slave in England, because there is no law sanctioning Slavery. But we place this case upon much higher grounds here, for when these people touched within the domains of New York, they came where there was no only no Slavery, but where it was positively interdicted by statute by the government and the people of that State. I read those authorities to show this great fact, that Slavery is a creature of positive law, local statutes, and municipal regulations, and it drops off the moment a person gets over the bounds that limit that local law. Mr. Webster, in his great speech on the Oregon question, in 1848, took the same ground held by Justice Shaw and the British authorities: that Slavery was local in its character and not general, and that it was in derogation of personal rights and could nowhere have an existence except by the force of positive statute. There is another case reported here, which brings up some nice views, of which I will read the head note. It is in 340 Wheeler upon the Law of Slavery, and is as follows: "The treaty of cession by Virginia to the United States, which guarantees to the inhabitants of the North West territories their titles, rights and liberties, does not render void that article of Congress of 1798, which prohibits Slavery in that territory. There was a case raised here, whether a person that was a slave in the North Western territory, and taken back afterwards into a slave State, had lost his freedom by going back; or, in other words, whether he could be held as a slave in the North West territory. All this, however, was overruled by a Southern judge on a slave plantation, who said: 'If Indiana had had no positive law upon the subject, if she had had no constitution upon the subject, yet that very great platform there would be sufficient to have sent Slavery out. Although it was done before Indiana was a State, it was done before we had adopted the constitution, and yet it was in the nature of a compact, and as that it became part of the fundamental law of the land, and could not be touched.'" Now, sir, in relation to our State legislation on this subject, I find another adjudication here which gives to the State of New York the right to do all that she has assumed, and it is found in 346 Wheeler, 6th Randolph's reports. It says that the power of State law to change the condition of persons held in Slavery under them cannot be doubted. The operation of foreign laws upon Slavery is immediate and perfect, and a party cannot be again reduced to Slavery. I find several cases here where persons have been taken from a slave State into a place where Slavery did not exist, and then taken back into a slave State, have been declared to be free. I have a case here where a slave was taken into France only for a short time and then taken back to Louisiana, and he was declared by the courts of that State to be free because he had been taken to a place where Slavery had no legal existence, so that it necessarily follows, if these people take their slaves to Texas, they will be entitled to their freedom—these under the adjudication of the Southern courts; but, for the sake of convenience, we prefer that they should be freed in this State. Here is the first section of the statute of New York: "No person held as a slave shall be imported, introduced, or brought into this State upon any pretence whatever except in the cases hereinafter specified." Now suppose they are. "Every such person shall be free." Then further: "Every person held as a slave contrary to the laws now in force shall be free." Then there are several sections which give some exceptions—some of which have been overturned by adjudications, and 5, 6 and 7 have been repealed by the law of 1841. The last section is: "Every person born within this State, whether white or coloured, is free. Every person who shall hereafter be born within this State shall be free; and every person brought into this State as a slave, except as authorized by this title, shall be free." I will now ask your attention to the other point, which is penal in its character. "No person shall send, export or carry out of this State any person who has been held as a slave or servant for a term of years, except as herein provided; and whoever shall offend against this statute, by aiding and consenting to such exportation or attempt, shall be deemed guilty of a misdemeanour; and every person so exported or attempted to be exported shall be freed and discharged from all obligation and service to the individual so attempting to export him." Now I think that my positions are sustained by these authorities. In the first place these persons are entitled to their liberty until they are brought within the operation of some local municipal statute which overturns the presumptions of the common law. In the second place they are brought to a place where Slavery has no legal existence, and by that act they are made free, not only free here, but free to the end of time, and all that shall be born of them in after time. In the third place, we meet our opponents by another of the positive statutes of the State of New York, which provides that any person brought into this State is free by that act. That leads me to look at the return they have set forth, which avows that these slaves were brought here by the claimants, and they do not say that they are fugitives within the meaning of the law of 1850 or 1793, or the constitution of the United States The return, sworn to by the defendant, shows that these slaves were innocent of any attempt to run away; that they were brought here on board a steamer; their owners coming with them for the purpose of being shipped to Texas; and, consequently, they do not hold allegiance to the laws of Virginia or Texas, but only to the laws of the State of New York; for it is the laws of this locality which attaches to them the moment they come within its limits. Some cases may be found, of a vessels put into this port in consequence of stress of weather; but I apprehend no case can be found of late occurrence, as between us and foreign nations, that will show that slaves have ever been given up when a vessel has been driven into port by stress of weather. I remember a case some years ago, that there was a vessel that had slaves on board, being freighted coastwise, driven into a British port, and all had their freedom, as a matter of course, and all passed off quietly, and nothing was heard of the matter. Here it is different. No stress of weather drove them here; nothing but the free choice and the free will of the owners. If your Honour should decide to deliver these persons into the custody of this man and his wife, I must confess that, in my opinion, it will overturn what I think to be the well settled adjudication of the last seventy years, and I now wait with great interest to see what arguments my friends will bring forward in support of their case.

Mr. Lepaugh rose and said—I can but approach this case with diffidence and embarrassment. But in approaching this case, however diffidently I may do it, I shall approach it in such a way, I hope, as to rest the arguments which I shall adduce upon sound law, and upon the constitution of our country; and I shall contend before your honour, that by the laws of nations, by the Constitution of the United States, by the comity between nations, and by the laws of Congress, these persons, who are citizens of Virginia, and under the Constitution of the United States citizens of this entire Union, are entitled to that property which was property to them in Virginia and property to them in the State of New York. Now I do not propose, and if I had it would be out of my power, to discuss this matter with any degree of feeling and enthusiasm, perhaps to the satisfaction of those who may be listening, as my friend on the other side has done. But it seems to me that the counsel in this case has contended for the discharge of these persons not upon what really entitles them to be discharged, in relation to the laws of the State of New York. The counsel has based his argument on the ground that a person coming from the State of Virginia is placed exactly in the same position as a person coming from Germany would be placed. How is it that these United States are to be thus treated in regard to each other as separate, distinct and foreign States, in the latitude and extent that one of the countries of Europe would be regarded in reference to the United States. Can it be that that is the meaning of the constitution that binds these States together? Can it be, and is it the intention of that instrument, which says "that the public acts of each State shall receive full faith and credit in every other State of this Union?" Are the several States, whose public acts are entitled, by virtue of that constitution, to receive credit and faith in every State, in the same position that Germany would stand in reference to the United States. Let us look at this constitution, and see how it is that we are entitled to have our rights protected. The right to property in the State of Virginia, it seems to me, is the same as the right to property in the State of New York. As regards the fact being admitted by the demurrer taken to this return, that these slaves are the property of Mrs. Lemmon, there is no difficulty to perplex the argument in this case. They being the property of Mrs. Lemmon, under the laws of the State of Virginia, let us call to our aid, in order to protect this property in the possession of Mrs. Lemmon, the constitution of the United States, which has a superintending power and control over all the States of this Union, and without which they might be placed in that dilemma that one State of Europe is placed in regard to one of the States of this Union. I call your attention to the second article of the constitution of the United States, which is as follows: "Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State." Now it would seem that this provision of the constitution disposes entirely of the objection that these persons having come into the State of New York, are to be set at liberty. It strikes me, and I shall so argue, that the gentleman misconceives the effect of the constitution, the law of nations, and the comity of the law of nations, when he says that because Slavery does not exist in New York, slaves brought from other States into New York are free. Now, it must be conceded that unless there is some strong controlling authority by the courts of the United States pronounced in reference to this provision of the constitution which I have read, declaring that faith and credit shall be given to the acts of the various States—as we contend, it must be conceded that this property must continue to be in the State of New York, as it was in the State of Virginia, the rightful property of Mrs. Lemmon. It may, perhaps, be necessary to take into view the objects and design of the law of the State of New York, which has been read, stating that no slaves shall be brought into this State. It may become necessary, in the course of this argument, to contend that the law in the State of New York which in any way prohibits the full exercise of the rights of our client under the constitution of the United States, and under the constitution and laws of the State of Virginia, is constitutional. But I shall discuss first the object of the law of New York, in order to show that it may stand and yet not be deemed inconsistent with the rights for which we contend here. Mr. Justice Kent lays it down as a rule that, in the construction of a statute, we should first ascertain what was the common law before its passage that was designed to be remedied by the statute. Bearing that interpretation in view, we conceive that the effect of this statute was not intended to be anything more than this: that Slavery, which did not exist by the common law, should not exist after the passage of that law in the State of New York. Let us see what rights belong to Mrs. Lemmon, and how far, by the law of nations, a party owning property in one State has a right to its possession in another State. On this subject I will take the liberty of citing Vattel on the law of nations. [Here the counsel cited from the second book of Vattel, page 225, section 81, showing that the goods even of individuals ought to be considered as the goods of the nation in regard to other States.] According to the authority, continued the counsel, the property of a citizen of Virginia passing through the State of New York is to be regarded as the property of the former State, and the State of New York is bound, in fidelity to the constitution of the United States and the laws of Virginia, to give that property to these persons. The statute of this State contemplated that when slaves are to be made free by being introduced into this State, they must be brought with the design of keeping them here permanently. But never was it intended, in the enactment of that statute, that persons passing through this State with slaves shall, by the mere act of transit, thereby forfeit and lose his right to his property. In the same book, section 109, I find that he lays down the doctrine that the property of an individual does not cease to belong to him on account of his being in a foreign country, and that it still constitutes a part of the aggregate wealth of his nation, so that if we were to take the broad ground that Virginia and New York are to be considered as distant foreign States, yet, by the laws of nations, we have proved that the individual who comes into this State with property is entitled to it, New York having respect for the laws of Virginia. And to the same effect also, do we find that the subject of one State who happens to go from that State to which he belongs into another, with the intention of remaining there is that State must be regarded in the same respect as the State from whence he came. If this is not the rule marked out by the authority from whom I have quoted we cannot understand the design of the constitution where it says, "the citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States." The intention of this clause was to confirm on them as it were a general citizenship and to communicate all privileges which citizens of the same State would be entitled to under like circumstances. If your Honour pleases, I understand four distinct points to be made by the counsel for the slaves, on the first of which he claims their discharge and contends that they are free by the common law. Now, the authorities cited have been quoted for the purpose of showing, that whatever may be the belief in this community that all slaves who come into it in this manner are free is entirely incorrect and without foundation. On this point, I call your attention to a case recently tried in Pennsylvania, in the Circuit Court of the United States, before Justice Grier and King. It was an action brought by a Southerner against a person named Kauffman, for the harbouring of certain slaves. On the trial, the point was taken that the slaves were brought voluntarily into the State by their owners, and therefore that they were free; but I cannot do better than give it in the clear and forcible language of Justice Grier himself: "it has been contended," he says in charging the jury "that these slaves became free by the action of the plaintiff in voluntarily bringing them into the State of Pennsylvania; but the question depends upon the law of Maryland, and this court cannot go behind the laws of the State from whence he escaped."

Judge Paine—Were they escaping?

Mr. Lepaugh—He goes on to say, your Honour, that he knew of no law or decision of the courts of Maryland which treats a slave as liberated who has been conducted by his master into a free State, along the national high road. Now, we say, in the eye of the law, we are conducting these persons along the [illegible] We had no other object in view than to proceed to Texas. We were compelled on our way thither, to embark at Norfolk, Virginia; and we never brought the slaves to the harbour of New York with any intention of keeping them in this State. We say that the mere passing of slaves over this part of the national highway is no, and should not be, regarded as an act of liberation. We have sent on to Justice Grier to get the facts in this case, so as to have them more fully stated.

Judge Paine—Read what he says about the national high road.

Mr. Lepaugh—On this subject he says Lord Mansfield had said many pretty things, as the counsel for the slaves (Mr. Culver) has said here in the case of Somerset, which are often quoted as the principles of the common law; but they will be found to be embellished with rhetorical flourishes rather than with legal dogmas. Now, in illustration of that principle, and in order to show the variety of argument advanced to prove that the intention of the statute is that every man brought into this State shall be free, let me allude to another case. Your honour is aware that we have a fugitive slave law, and you are also aware that in 1793 there was an act passed in relation to fugitives from labour. Now, supposing a slave escaped from his master into Ohio from Virginia, and after he had been delivered to him under the law of 1793, that master was by necessity compelled to take him through the State of New York, the learned counsel contends he would be free, because he was brought to New York on his way to Slavery. The position we take on this point is the only one that is tenable. We say that the importation of a slave into the State was the case to which the act refers, and not the mere transient passage through it. If this is the right interpretation, then the South could never secure her rights if a free State were allowed to declare that the very moment a slave was brought into it, under any pretence whatever, he should be free. And taking that view of the case, we perceive the constitution of the United States and the laws of New York and Virginia harmonize and sustain each other. It is only under this relation of the States to each other that Mr. Lemmon can be entitled to all the privileges and immunities of a citizen of the United States. Now, what sort of an argument have the counsel presented in reference to the position the State of New York and Pennsylvania occupy to each other? We have given expression to a doctrine, which if practically carried out, in less than ten years would destroy the Union which now binds us together. This question is one that the South has taken a deep interest in and it has came to the knowledge of some of the people of that section, who are determined to have a decision even in the highest courts of the United States on this matter, so that it shall be finally settled whether they shall be entitled to carry their property in the same manner and under the same protection that would be extended to any gentleman in this court who might be travelling through the State of Virginia. The counsel proceeded, at still greater length, to argue on the legality of the claimant's right to his property, and concluded by speaking of the great interests and questions of importance that were involved in this case.

The Court was next addressed by Mr. Clinton, also on behalf of the claimant. He spoke substantially as follows: May it please the Court, in rising to address you in this case, I know that the few observations I shall make will both please and displease the audience. I am here, however, not to consult the feelings of any one, but to discharge my duty to my client. I shall present those views of law and justice which are founded upon sound common sense, which have their origin in the common law, and their final resting place in the constitution of the United States. I am quite aware that any case of this kind always excites a sympathy, for there is a music in the word freedom, that no sooner had the reports of the case appeared in the papers, than the feelings of the community became aroused, and the greatest interest was manifested in the proceedings. But that is a sympathy which looks to the condition of one class—the sympathy I feel is not confined to one class of persons, but is co extensive with the whole Union. It is well that the rights of these poor and humble, and, if you please, unfortunate individuals, should be protected here. They will not suffer before this tribunal; they are defended by one whose championship has been often given in cases of this description before, and I trust the day is far distant when the desire for popular applause will invade the temple of justice. It is important that the rights of these parties should be protected, and when the time comes that the temple of justice can be invaded by popular applause, it will be quite time to tear down our court rooms. I am satisfied that in this case no considerations but those based upon the laws of the land will receive any place in the mind of your honour. In order to be more brief, I shall present but two or three points. In the first place, I say that the respondent had a right to take his slaves from the State of Virginia to Texas, another slaveholding State, by virtue of the comity existing between the States. The counsel has said that the common law principle, that the legal presumption is in favour of liberty, will not be disputed; but he has not cited a case throughout his whole speech which in any way militates against the views that I will submit. He quoted a case from Wheeler on Slavery, which is to be found in 18th Pickering, entitled the Commonwealth against Ayres. That was a case where a Southerner came into the State of Massachusetts, bringing with him his slaves, for the purpose of remaining a considerable length of time there. He did not come into that State in *transitu*; it was merely for the purpose of remaining there a considerable time. A *habeas corpus* was procured, the question presented before one of the judges of that State, and it received the close attention of the chief Justice, who wrote a very elaborate opinion on the subject; but he no where insinuates that in a case of this kind the slaveholder cannot obtain his rights. He admits that the right of transit exists in the State—at all events he does not contradict the doctrine. Here, then, is the case upon which the counsel relies and it is the only case which upon a superficial reading, squints towards the doctrine he lays down.

The counsel here argued at considerable length upon the point contended for by his associate, Mr. Lepaugh, that a slaveholder had a right of transit through a free State with his slaves. To sustain his arguments he referred to the following cases: Ranklin vs. Lydia 2 Marshall, 477; Strader & Graham, 7th B. Monroe Rep, 635; Collins vs. America, 9 B. Monroe Rep. 572; Willard vs. People, 4 Scammon's Rep. 472, 473, 474, 475, 476. The statute of New York, he said, did not refer to cases where the slaves are in *transitu* to any other State, and on this point he referred to Prigg vs. Commonwealth, 16 Peters, 539.

At the conclusion of Mr. Clinton's argument, Mr. John Jay made a few brief remarks in reply. He said the principle involved in this case was settled by the Court of King's Bench in 1776. The question, he continued, is, whether the owner of a slave, coming from Virginia within the jurisdiction of New York, and on his way to Texas, shall be allowed to hold that slave in custody, and carry him out of the State, and whether you (Judge Paine) will administer here the law of the State of New York, or the law of the State of Virginia. Precisely that question came before Lord Mansfield, in the case of Somerset.

Judge Paine—In the case of Somerset, the slave was brought from Jamaica to England, to remain there.

Mr. Clinton—That was so, your honour.

Mr. Jay—It was decided in that case that the negro when brought to England, owes no service to a master. The slave was brought from Africa and reduced to Slavery in Virginia, taken thence to England with the design of afterwards transferring him to Jamaica. The slave made his escape while in England and the case came before Lord Mansfied, who discharged him and held him to be a free man. This was the substance of the statment of this case, as made by Mr. Jay, who closed his remarks by a reference to one or two others of a similar character.

Judge Paine said that, as he desired to render a written decision upon this case, he would not decide until Saturday morning. He ordered the slaves, meanwhile, to remain in the same custody, and to be provided for in the same manner as before.

National Anti-Slavery Standard.

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NEW YORK, THURSDAY, NOVEMBER 25, 1852

WHO KILLED COCK ROBIN?

WHY was General Scott defeated? This is a question that one hears mooted everywhere in conversation and discussed in all sorts of newspapers. The problem is solved in different ways by different observers, according to the point of view from which they look at it. Some think that the Country was afraid of entrusting its integrity to one who was not swifter than Telegraphic lightning in accepting the Compromises. Other some think it was because of his very Compromising celerity that he lost the support of the only part of the country where he had any strength. Some affirm that it was putting his trust in Seward that has brought his calamity upon him; while other some, again aver that Sewardism was no element in the business, but that the Democrats were tired of Galphinism, and Bensonism, and Collinsism, and Lawism, and Lobosism, and were determined on making a clean sweep of the whole political board. These latter are the nearest right. Not that we would accuse the Democrats of any insuperable antipathy to any of these *isms* in the abstract; but they would, naturally, prefer that they should qualify proper nouns of the Democratic declension. Jealousy of public plunder in the wrong hands had, no doubt, a large share in the catastrophe of the bungling party now accidentally in power. The loaves and fishes, though but five of the one and two (and they small) of the other, were questionless guilty of a share of this result, but not of the whole—for what are they among so many?

The cause of the Whig disappointment must be looked for behind the mere thirst for "spoils." But a small portion of the hundred of thousands of voters expected that the change would be of any pecuniary consequence to themselves. The great multitudes of men whose votes decide the issue of these political battles are swayed by motives not strictly personal. It is on this third element—this *tertium quid*—that politicians out of power must depend for the help that is to bring them in, and those in power for the support that is to keep them where they are. It was on this swaying mass of mind that both parties relied for success. It was this that elected Harrison and defeated Clay, which chose Taylor and rejected Scott. The mischief was that General Scott, in his eagerness, and his friends, in their cowardice, did not manage to control it for their purpose. And why was this so? Because they forgot that for a minority candidate (as General Scott was, notwithstanding the accidental supremacy of the Whigs, just now), could become a majority one only by the conflict of Ideas. In the hope of securing Slaveholding help, they yielded the only point about which an issue could be made. They made themselves as Democrats without their names, their watchwords or their discipline, and thus suffered the battle to go by default. They virtually abandoned the whole game in hope that the holders would hand them over the stakes, *because* they had thrown up their cards.

Now we apprehend that Mr. Seward's plan of the campaign was very different from this. He did not expect General Scott to be saluted Conqueror and decreed the triumph in virtue of having surrendered at discretion and submitted, nay, hastened, to pass under the yoke. He expected as hard fighting as General Scott himself had to pass through before he rode triumphantly into the Great Square of Mexico. He did not expect his hero to be carried to the skies "on flowery beds of ease." But he wished to establish a basis of operations at Baltimore by means of which he might demolish the strongholds of the enemy and finally succeed. This basis of operations we apprehend to have been the refusal of the Baltimore Convention to accept the Compromises as part of the platform. This would have made a tangible and visible distinction between the Whigs and the Democrats and would have afforded an excellent "Cry" to rally the North and West, where all the hopes of the Whig-Scott party lay. Had he succeeded in doing this, he could have gone into the campaign with a show of principles and a pretence, at least, of spirit, and there would have been a genuine fight about something tangible. But having been outgeneralled by the Slaveholders and deserted by the treacherous doughfaces of Massachusetts, in hopes of buying favour for Webster, and of Northern States, there was nothing left to fight about, and there was nothing to choose between except a Big General, on the one hand, and a Little one, on the other.

Mr. Seward is said to be a great political Manager, and we dare say he is. We do not think it fair to judge of his abilities in this line by this present failure. The odds against which he had to contend were tremendous, and his men were raw recruits or undisciplined volunteers, mostly, and he could not establish his basis of operations. The enemy broke it up and left him nothing but an aimless, guerrilla kind of warfare, which could hardly fail to end in nothing. Seeing this, he wisely withdrew from all prominent direction of the campaign, and, no doubt, saw the end from the beginning. Could he have restrained the pro-slavery proclivity of his chief, could he have procured for him an independent nomination when he saw, as he must have done long before the Convention met, what the result must be, and have run him independently of the Convention, if it insisted on the Compromise Platform, as an Anti-Compromise candidate, he would have produced a wholesome storm of agitation, on the wings of which General Scott might possibly have ridden into power, or, at any rate, have had a creditable defeat. But it is only by repeated failures and disappointments that men learn wisdom, politically as well as personally. Perhaps it needed this additional lesson to teach Northern politicians that their only hope, against Southern Slaveholders and their "natural allies," the greedy Democracy of the North, is in a spirit of resolute resistance to their joint iniquities and not in a contest of subserviency with the one, to the other.

Now whoever it was, or was not, that killed Cock Robin, there is this moral to be deduced from his fate: That the same doom will await any one who seeks the same end by the same means. It may be that the decent and respectable portion of the nation is a match for the profligate and baser sort, but it will never triumph over them by rolling in the same kennel and vying with them in their adaptation to dirt. The trial has never yet been fairly made. Those that pretended to "all the decency," and perhaps had more of a natural leaning that way, have never been able to attain to the faith that can alone carry them on to glory. They always had a secret misgiving that the Devil was going to be more than a match for God, at this particular election. And they have had, once or twice, a kind of delusive success which has thickened their judicial blindness. Possibly, such a hopeless overthrow as that they have received was necessary to open their eyes to their true condition. Now, there are elements in the nation which may go to the building up of a New Party, mighty to the pulling down of the present strongholds of political iniquity. An able and courageous man is needed to combine these elements into a homogeneous whole. The time is favourable. The hour is at hand. But where is the Man?—E. Q.

A CORRESPONDENT of *The Times* (J. W. C. Pennington) tells the following good story to show that the exclusion of coloured people from public conveyances is not always from popular prejudice against them:

The Rev. Mr. W., a coloured Baptist minister of this city, a few weeks ago, in the course of his pastoral duties, was called up town as far as Sixtieth street. Being weary, and desirous to get as speedily as possible down town, he went into Broadway and stepped into a 'Bus. He found only one man there, and he a white man. And now for the conversation. The white man said to Mr. W.:

"I suppose, now, you thought I would object to your coming in here."

Mr. W.—"Well, sir, I do not know that I had any right to suppose that *you* would be so *unkind*."

White Man.—"O, I would just as soon ride with a coloured man as with a white man. It makes no kind of difference to me."

Just then the 'Bus was stopped, and in stepped several persons, all white of course. On went the 'Bus again. Down Broadway she went, taking in and letting out as usual. In the course of her downward trip she was filled and emptied, each passenger pulling the string, paying his due, and getting out where his home or his business called him.

When the 'Bus had gone far down town, the coloured minister came to his getting-out place; so, like other men, he pulled the string, and handed up his silver sixpence between a nice pair of black fingers!

The driver was now astounded. "Are these black gloves, or verily black fingers?" he seemed to say. "I see sugar-units, so they *must* be verily fingers," he seemed to answer to himself. "Let me see again;" and looking through his little crevice, there was, sure enough, the black man.

Driver—"Why! I did not know that *you* were there!"

Coloured Minister—"Well, you know it now, don't you? Don't keep me waiting; here's your money—take it and let me go; I am in a hurry."

Here was a pause of a minute or two, which was broken by a hearty laugh from ladies, gentlemen, and all in the 'Bus.

The scene ended by the 'Bus-man fingering the sixpence from the black fingers.

Now, Mr. Editor, your position is proved. In that 'Bus were ladies, gentlemen, lawyers, merchants, physicians and mechanics. Each of them was going about his or her own business, or to their home. What had they to do with the colour of any man's skin? Nothing at all; and the conclusion of this amusing scene shows shows it. All they wanted was to reach their home or business in season. The real object of all public conveyances is to accommodate persons in getting to their homes and businesses; and I think with you, sir, that the better way for all managers and proprietors of public conveyances is to keep to this single object.

Yours truly, J. W. C. PENNINGTON.

This reminds us of a fact within our own recent experience, which, in this connection, is worth repeating, and which equally goes to show that coloured people would be admitted to many public places from which they are now excluded if they would persevere in asserting quietly but repeatedly their rights.

We took our seat, not long since, in a well-known and respectable eating-house, to dine, and observed, at a table near by, a mahogany-coloured man with the unmistakable taint of African blood in his veins. To see him there, of course, excited our curiosity; and it was not allayed by observing that the phenomenon of such a man in such a place moved others also to remark him. The waiters gave him his dinner, however, as respectfully as though he was really as unexceptionable in colour as he was in dress and manners; but that, we thought, was only because his orders were for an unusually good dinner, and the colour of the money concealed the colour of its owner. 'Wait,' we said to ourself, 'till the principal observes you, and then we shall see whether you or the cork of that bottle of Scotch ale will be popped the quickest.' But the eyes of the conductor *did* presently fall on him, and to our utter confounding he was *not* pitched into the area, nor kicked into the street! Certainly, we thought, this is a most unconstitutional proceeding, and worth seeing the end of, for, in our humble opinion, the Union is not at this moment worth the price of this shilling plate of mutton—which mutton, by the bye, went, perhaps, to the next new comer, for astonishment took the place of appetite in our epigastrium. Nevertheless, there sat our unconstitutional friend as calm as a summer's morning, and went through his two courses as though the world was not about to fly off its axis; nay, he even had the audacity to finish off with cheese and celery, and to toss off the last drop of his Younger's Best as if his right to the pursuit of happiness had never been questioned. And in the meantime, nobody minded him; or at least nobody minded him to that degree that was to be expected and was proper, for not a man left the room till he had finished his dinner, nor did anybody go off into an epileptic fit. We could hardly believe our own eyes, though the fact was as patent as the plate before us, but then, we concluded, the people are only waiting till he goes out, and then they will teach him what sort of a desert a 'nigger' must take who presumes to dine with white folks. But presently he arose, and, of course, we followed him, not so near as to be obtrusive, but near enough to be sure that we should be in at the upshot. He walked up to the counter; he told what he had had; he paid his reckoning; and left the room unquestioned and unmolested! It was like the Flight of the Duchess for a *denoument* and a surprise: "I pushed the gate wide—she shook the bridle—and the palfrey bounded—and so we lost her."

"Sir," said we to the head of the establishment, as we stepped up to pay for our mutton—"Sir, is that a coloured man?"

He evidently trembled before one of the Sovereigns, and expected to see his own head roll, the next moment, at his feet.

"He is," he answered, "but he is very respectable; a quiet, gentlemanly man, who offends nobody. We knew his father before him, and there was not a man in Charleston more respected."

"As if *that* had anything to do with it!" we might have answered, "as if the fact that he had a respectable father was not a reason so much the more why the son should not be brought down a peg or two and be taught to know his place" But we said: "Do your customers permit this? are they willing that a coloured man should dine among them?"

"He dines here often, and it was never objected to but by one person," he answered; "but when I explained to him that this man had been long known to me; that he was respectable, in good business, always unobtrusive, and always came at an hour when there were few here; he said, 'Oh! he didn't care, but others might, and it might injure the house.' But the fact is," added honest Boniface, with a good deal of feeling, "I respect the man; he is a good fellow; and I am not going to hurt his feelings by telling him he can't have his dinner here, because he happens to be a little black."

We thought it proper to say that we hoped he would stick to that; that we knew of no reason why the man should not dine there; and that, for our part, we would quite as lief have him at our own table as any man we were in the habit of seeing in that establishment.

And we were gratified that our opinion was immediately backed up by a "fast" young man who stood near us—if a man can be said to stand when he is tottling—who removed himself from the end of a cigar, and, with a feeble attempt to wink off the brandy and water which was running over from his eyes, assured us that he too "hadn't no objection to niggers, and would just as lives as not eat with such a feller as that."

Perhaps, we thought, the objection might be on the side of the 'feller,' but it seemed best not to say so to the fast young gentleman, who soon succeeded in replacing himself at the end of his cigar.

We had no notion, when we begun, that this little incident would make so long a story; but it has, none the less, a good moral—that very much depends upon coloured men themselves in asserting their social equality, and that when done in a proper way, and at proper times, it will often be acknowledged when they least expect it. This Anti-Slavery duty does not belong alone to white Abolitionists.

WE stated, two weeks since, the result of the trial in Philadelphia, in the case of Oliver against Kauffman and others, for harbouring and secreting slaves, in which the Jury brought in a verdict for plaintiffs in damages against Kauffman for $2,800. Below will be found the Charge of Judge Grier, which is not only important in itself, but is appealed to by the Pro Slavery Press of this city to strengthen them in their attempts to establish the Domestic Slave Trade here. The charge of Judge Grier is a very remarkable one, not only for its legal character, but for the violence and virulence of its language. Its spirits and tone have no precedent except in the course of Judge Jeffreys, in his "Bloody Assizes." It is only in a Reign of Terror that such appeals to the violent passions in the human heart are tolerated from the Bench, and such wretches as Grier are permitted to administer the law. This Charge is nowhere noticed in the terms it deserves except in a few technical Anti-Slavery newspapers. The submission or acquiescence it meets with everywhere else is ominous of the future, and we might well despair had we not faith that it is by the accumulation of just such acts as this that the people will at length be aroused, and that, when they are, Slavery, with its abettors and its laws, will be sent to its own place.

CHARGE TO THE JURY.

In the performance of your duty on this subject, it will be proper that you suffer no prejudice to affect your minds, either for or against either of the parties to this suit. The odium attached to the name of 'Abolitionist' (whether justly or unjustly, it matters not) should not be suffered to supply any want of proof of the guilty participation of the defendants in the offence charged, even if the testimony in the case should satisfy you that the defendants entertained the sentiments avowed by the class of persons designated by that name. The defendants are on trial for their *acts*, not for their *opinions*. Beware, also, that the occasional insolence and violent denunciation of the South be not permitted to prejudice your minds against the just rights guaranteed to them by the Constitution and laws of the Union. An unfortunate occurrence

five hundred dollars is incurred for harbouring or concealing a fugitive, which the party injured may recover; but the present action is not for this penalty. In this suit, the plaintiff is only entitled to recover the damages he has actually sustained by the acts of the defendants. You will first determine whether the proof, under the principles here laid down, entitles the plaintiff to recover. And if they be so entitled, you will then have to consider the amount of damages.

In order to entitle the plaintiffs to your verdict, they must have proved to your satisfaction:

1. That the slaves or persons held to labour, mentioned in the declaration, or some of them, were, by the laws of Maryland, the property of the plaintiffs—or as the statute expresses it, that their labour and services were due to the plaintiffs for life or a term of years.

2. That these persons so held to labour escaped to the State of Pennsylvania.

3. That the defendants, or some of them, aware of these facts (having notice or knowledge that the persons harboured or concealed were fugitives from labour), did harbour or conceal them, contrary to the true intent and meaning of the statute.

4. And if you find these facts in favour of the plaintiffs, the amount of the damage, injury, or loss, sustained by the plaintiffs in consequence of such harbouring and concealing.

On the first two points, there is no contradictory testimony. But while the escape of the twelve negroes has not been disputed, the defendants' counsel contend that the facts as proved do not show that the fugitives were slaves, or the property of the plaintiffs, but on the contrary that they were free.

It has not been disputed that the fugitives were the property of Shadrach S. Oliver, at the time of his death in Arkansas. By the laws of that State, the widow has a right to a third of them, if treated either as real or personal estate. But, however the law might divide them, the widow and children, as entitled to the succession, after the payment of debts, could, by any family arrangement, settlement or understanding, divide the property at their own discretion, and third persons would have no right to dispute its validity. Slaves, though for some purposes treated as real property, are chattels, and like other chattels, may pass by delivery, without any formal bill of sale Possession of them is therefore *prima facie* evidence of title.

It has been contended that those slaves became free by the act of the plaintiffs, in voluntarily bringing them into the State of Pennsylvania.

This question depends upon the law of Maryland and not of Pennsylvania. This Court cannot go behind the status of these people where they escaped. We know of no law, or decision of the Courts of Maryland, which treats a slave as liberated, who has been conducted by his master along the national road through the State of Pennsylvania. On this subject, Lord Mansfield has said some very pretty things (in the case of Somerset), which are often quoted as principles of the common law. But they will perhaps be found, by examination of later cases, to be classed with rhetorical flourishes rather than legal dogmas. Since the former trial of this case, the point has been decided in the Supreme Court, as I think. But, however that may be, the point is ruled in favour of the plaintiffs, for the purposes of the present case, as we desire to have your verdict on the facts of the case, which are so much contested.

The great question, then, to which your attention will be directed, is, whether the defendants, or any one of them, are guilty of harbouring or concealing the fugitives as laid in the declaration.

Whether the plaintiffs could have sustained an action on the case, on the mere guarantee of their rights as contained in the Constitution, we need not inquire. The action has been instituted with reference to the terms used in the Act of Congress of 1793. The fine inflicted by that Act can be no longer recovered, because the Act of 1850, having changed the penalty, has thereby repealed the Act of 1793 to the extent to which it has been thus supplied. But the statute, so far as it gave an action on the case for harbouring and concealing, has not been supplied or repealed.

As to the nature of the harbouring and concealing (which is the substance of the complaint in this case), and which would subject the defendants to liability in this form of action, I shall repeat the observations made on a former occasion

1st. What is meant by '*notice*'? and 2d, what constitutes harbouring?

On the first point, the Court has been relieved from much difficulty, by a late case tried before Justice McLean in Ohio, and which has been affirmed in the Supreme Court of the United States (see Vanzandt vs. Jones, 23 McLean, and same case, 5th Howard, 216). In that case it was decided that the word 'notice,' as used in this Act, means knowledge; that it is not necessary that a specific, written, printed or verbal notice from the owner, be brought home to the defendant, but that it is sufficient if the evidence show that he knew the person he harboured or concealed was a fugitive from labour.

The word harbour is defined by lexicographers by the words, to entertain, to shelter, to secure, to secrete. It evidently has various shades of meaning, not exactly expressed by any synonyme. It has been defined in 'Rouvier's Law Dictionary,' 'To receive clandestinely and without lawful authority, a person, for the purpose of concealing him, so that another, having the right to the lawful custody of such person, shall be deprived of the same.' This definition is quoted in the opinion of the Court as delivered by Mr. Justice Woodbury, in Jones vs Vanzandt, 5 Howard, 227. But though the word may be used in the complex meaning there given to it, it does not follow that all these conditions are necessary elements in its definition. Receiving and entertaining a person clandestinely, and for the purpose of concealment, may well be called harbouring, as the word is sometimes used. Yet one may harbour without concealing. He may afford entertainment, lodging and shelter to vagabonds, gamblers and thieves, without the purpose or attempt at concealment, and it may be correctly affirmed of him that he harbours them.

The Act of Congress, by using the terms 'harbour or conceal,' evidently assumed that the terms were not synonymous, and that there might be a harbouring without concealment The Act seems to be drawn with great care and accuracy, and bears no marks of that slovenly diction which sometimes characterises Acts of Assembly, where numerous synonymes are heaped together, and words are multiplied only to increase confusion and obscurity But neither in legal use nor in common parlance is the word harbour precisely defined by the words entertain or shelter. It implies impropriety in the conduct of the person giving the entertainment or shelter, in consequence of some imputation on the character of the person who receives it. An innkeeper is said to *entertain* travellers and sojourners, not to *harbour* them; but may be accused of *harbouring* vagabonds, deserters, fugitives or thieves; persons whom he ought not to *entertain*.

It is too plain for argument that this Act does not tend to make common charity a crime, or treat that man as guilty of an offence against his neighbour who merely furnishes food, lodging or raiment to the hungry, weary or naked wanderer, though he be an apprentice or a slave. On the contrary, it contemplates not only an escape of the slave, but the intention of the master to reclaim him. It points out the mode in which this reclamation is to be made, and it is for an unlawful interference or hindrance of this right of reclamation, secured to the master by the Constitution and laws, that this section is given.

The harbouring made criminal by this act, then, requires some other ingredient besides a mere kindness or charity rendered to the fugitive. The intention or purpose which accompanies the act, must be to encourage the fugitive in the desertion of his master, to further his escape, and to impede and frustrate his reclamation. 'This Act must evince an intention to elude the vigilance of the master, and be calculated to obtain the object' (2 McLean, 608).

This *mala mens*, or fraudulent intent, required by the act to constitute illegal harbouring, is not to be measured by the religious or political notions of the accused, on the correctness or perversion of his moral perceptions. Some men may conceive it a religious duty to break the law, but the law will not receive this as an excuse.

If the defendant was connected with any society or association for the purpose of assisting fugitives from other States to escape from their masters, and in pursuance of such a scheme afforded this shelter and protection to the fugitive in question, he would be legally liable to the penalty of this act, however much his conscience, or that of his association, might approve of his conduct.

The difference between the action for the penalty and the action on the case is this: The defendants might be liable for the penalty, if they illegally harboured and concealed the fugitives, even though the master may have afterwards reclaimed them.

But in action on the case for damages, the plaintiff must show that the slaves were lost to him through the illegal interferences of the defendant, or that some other appreciable loss, injury or damage was suffered by him in consequence thereof. In the first case, he would recover the whole value of the slaves as damages; in the latter, only to the amount of loss or actual damage which he shows he has suffered.

If the owner of the fugitives does not think fit to pursue, in order to reclaim them, he cannot complain that those who have merely harboured them after their escape have injured him, unless he can connect such persons with the original escape of the slaves, and show that they seduced the slaves, and helped them to escape from the possession of their master. If the master had entirely abandoned the pursuit of his slaves, and given upon all attempts to reclaim them, before interference of the defendants, the whole value of the slaves could hardly be claimed as the measure of his damages, as their loss could not be then imputed their harbouring.

But if the owner or his agent, pursuing the fugitives for the purpose of reclamation, should trace them to the premises of a certain individual, and could trace them no further, because they had been harboured and concealed and carried away secretly, by night, and delivered to another, who continued the same process, and the pursuit of the claimant was thus baffled, no one of those individuals, thus interfering, could be suffered to allege that *his* interference did not cause the loss of the fugitives, or that their value was not a proper measure of damages in an action for such harbouring. If a number of persons combine together to commit a trespass or wrong, they are liable to damages to the extent of the whole injury. The injured party may recover judgment for the whole damage against each, and elect *de melioribus damnis*, as he can have but one compensation. And where a number of persons are sued for a joint trespass or tort, and the plaintiff can prove any one of them to be guilty, the jury may find the others not guilty, and assess the whole damages against that one, even though many others, known or unknown, may have combined with that one to do the act, and have not been sued. Although the plaintiff can recover but one satisfaction, the damages are indivisible, and each joint trespasser is liable for the whole.

It will be for you, gentlemen of the jury, to apply these principles to the facts of the case before you. The evidence is very contradictory. In some cases, testimony apparently conflicting may be reconciled, without imputing corrupt perjury to either side It would be difficult, perhaps, for the most enlarged charity to do so in this case. The whole case has been argued before you with very great ability, by the learned counsel, and as you are the sole judges of the facts, the Court do not think it necessary to make any remarks upon them.

If, in your judgment, the hypothesis of the defendant's counsel is supported by the evidence; if Mr. Brechbill was merely a spectator, without consent, interference or assistance; if Mr. Weakly did not participate in the transaction at all, you should find them not guilty. If you believe, also, that Kauffman did not assist in harbouring, secreting or deporting the slaves, but merely fed them out of charity, and suffered them to rest for a few hours in his barn—that they were brought there without his knowledge, consent or approbation, and taken away without his assistance, or any act of his, to enable them to elude the pursuit of their owners, or to further their escape—your verdict should be in his favour also.

If, on the contrary, you find the hypothesis of the plaintiff's counsel to be the true one; if, from the facts in evidence, you believe that certain persons in the region of the country where the defendants reside, and including them, or any of them, were known as persons willing to assist fugitives to escape; that for this purpose they were brought to the premises of Kauffman, by some person, known or unknown, who was assisting the slaves to escape; if they were received by him, harboured and secreted in his barn, then taken away by him, or by his agents or servants, after night, in order to assist them to escape, and to elude pursuit; if the slaves were thus transferred by him, with the countenance, counsel and assistance of Brechbill, to the barn of Stephen Weakly; if Weakly kept them secret in his barn, and removed them on the following night to places unknown, and the pursuit of the owners of the slaves was thus baffled, you should find for the plaintiffs the full value of the slaves in damages, as against all the defendants, or such of them as you believe from the evidence to have had an active participation in the offence.

In fine, the burden of proof is on the plaintiffs, and in order to support their action, you must find from the evidence—

1st. That the plaintiffs were owners of the slaves named and described in the declaration.

2. That those slaves escaped from the State of Maryland.

3. That they were pursued by the agent of the owners for the purpose of reclaiming them.

4. That the defendants, or some of them, knowing them to be fugitives, harboured and concealed them, in order to further their escape, and enable them to elude pursuit.

5. And if, in consequence of such harbouring, the slaves did escape, and were lost to their owners, you should find the value of the slaves, as damages, with interest, if you see fit.

You will suffer no prejudice to operate on your minds in favour or against either of the parties, on account of any peculiar notions either you or they may entertain on the subject of Slavery. You are sworn to render a true verdict. In order to do this, it must be according to the law of the land, rendering equal and exact justice to both parties.

THE LEMMON SLAVE CASE.—We learn from the following Card, put forth by the counsel of the Lemmons in the recent slave case, in this city, that it is to be carried up to the Supreme Court. It certainly is best to have the question settled whether Slavery can exist or not in this State, and it is, therefore, well that this appeal has been made. Should it happen, however, that the Supreme Court sustains the decision of Judge Paine, there is still one step left for the proslavery party to take. It can appeal to the Legislature to establish Slavery here by special act. Such a proposition would undoubtedly find many supporters, and the *Journal of Commerce* is ready to act as their organ. If New York is to be a port of entry for the slave trade, it would add to its prosperity to make it a mart for the sale of slaves also. Let us have the worst at once:

THE LATE SLAVE CASE—CERTIORARI.

SUPREME COURT.

The People of the State of New York, ex rel. Louis Napoleon, against Jonathan Lemmon, a citizen of Virginia.—Having observed from the comments of a portion of the press, that considerable misapprehension exists in regard to the legal grounds on which we sought to protect our client's rights respecting his property, consisting of eight slaves, we take this opportunity to correct that mistake. On the argument before Justice Paine, we opposed the discharge of the slaves on the ground, 1st, that by reason of the comity existing between the several States of the Union, the citizens of a slave State have a right to take their slaves through a free State *in transitu* to any other slave State. We cited various decisions, in which it was expressly adjudicated that this right exists. Not an American authority was cited to the contrary, for the reason that none could be found. The second ground taken by us was, that the statute of New York, providing that slaves shall not be imported or introduced into the State, has no application to this case. This statute, when interpreted by the ordinary rules of construction, applicable to all statutes, we contended, contained nothing more than a prohibition against the introduction of slaves into the State, for the purpose of remaining or residing here, either permanently or temporarily We do not desire to speak disparagingly of the eminent Judge by whom the slaves were discharged. We ask, however, for the suspension of public opinion in regard to our legal propositions, until we can be heard before the Supreme Court, on the appeal which we have taken from the decision of Judge Paine.

HENRY L CLINTON,
HENRY D. LAPAUGH.

New York, Nov. 19, 1852.

Whereas, We have been informed by the affidavit of Henry D Lapaugh, of the city and county of New York, counseller at law, that a writ of *habeas corpus* was heretofore issued by you, under your hands and seal, on behalf of eight coloured persons, or slaves, named and known as Emiline, Robert, Lewis, Amanda, Nancy, Ann, Lewis, and Edward, otherwise called Ned, directed to Jonathan Lemmon, a citizen o the State of Virginia, requiring him to have the bodes of the said eight coloured persons, or slaves, forthwih before you, to be dealt with according to law; and whereas, pursuant to the requirement of the said writ of *habeas corpus*, the bodies of the said eight colored persons, or slaves, were brought before you; and whereupon the returns, and a demurrer thereto, were made upon the said writ that thereupon you proceeded to hear and determine the said writ; and whereas, such proceedings were had upon the said writ, return, and demurrer, that you, the said justice, did order, adjuge and determine that the eight coloured persons, or slaves, hereinbefore named, should be discharged from the custody or restraint of the aforesaid Jonathan Lemmon And we being willing to be certified of such proceedings as were had before you, do command and strictly enjoin you, that you do certify and return those proceedings, with all things, papers and schedules thereto appertaining, unto our justices of our Supreme Court, at the City Hall, in the City of New York, on the 1st Monday of December next, at a General Term of said Court, under your hand, as fully and amply as the same remain before you, so that our said Justices may further cause to be done thereupon what of right and according to law ought to be done, and have you then and there this writ.

Witness, the Hon. Henry P. Edwards, Chief Justice of our said Court, at the City Hall, in the city of New York, this 19th day of November, in the year of our Lord one thousand eight hundred and fifty-two.

Henry D. Lapaugh, Attorney.
H. D. Lapaugh and Henry L. Clinton, of Counsel
GEO. W. RIKER, Clerk.

ENDORSED—I allow the within certiorari, this 19th of November, 1852. H. P. EDWARDS,
Justice Supreme Court.

THE LIQUOR LAW IN NEW HAMPSHIRE.—The Superior Court of New Hampshire have decided the Liquor Law of that State, similar to that known as the 'Maine Law,' to be unconstitutional. The following is the opinion given by the Judges:

First—The bill confers on justices an extent of authority the constitution does not sanction, particularly in respect to the power it gives them to pronounce a sentence of forfeiture on liquors seized in a violation of the law.

Second—The bill provides for no trial by jury, or for appeal and trial by jury before a higher court. The constitution provides that in all controversies concerning property, the parties have a right to a trial by jury.

Third—The seventh section of the act conflicts directly with the constitution of the United States. This section provides that no action can be maintained in any court in the State, either in whole or in part, for intoxicating or spirituous liquors sold in any other State or county. No law of this State can deprive a citizen of the United States of the right to enforce a claim of debt before the tribunals of this State.

Fourth—Liquors are property. The law in recognising them as such in the fourth section, when in the hands of town authorities for sale and mechanical use, cannot, by the force of a few phrases, make property lose its character when in other custody.

Fifth—Double or increased penalties in cases of conviction under appeal, because it operates as a penalty upon the party claiming appeal, conflicts with his rights to an appeal, and cannot be supported by the constitution.

Sixth—The bill is designed by its provisions to demand excessive bail and render it difficult for the accused to procure securities. If it had been added that the accused should not have the benefit of counsel to defend him, the parallel between the present law and the practice in England in former days would have been complete.

Seventh—The conviction of a principal through any act of an agent is held to be unconstitutional. The accused should be confronted with the witnesses against him, says the constitution, but the liquor bill says no; and it is there opposed to the constitutional rights of the citizen.

Eighth—The people have a right to be secured against all unreasonable search of their dwellings, &c., and all such search warrants must be under oath, according to the constitution; but searches and arrests may be made according to the bill, without warrants on oath, and it is thus unconstitutional.

In conclusion, the judges state that some of the objections are of the most serious character.

PURSER SMITH'S STATEMENT.—Mr. Smith, the purser of the Crescent City, with whom originated all the difficulties between that Steamer and the authorities of Cuba, has sworn to and published the following statement, which ought to end them if it be true that the Governor of the Island has declared that such a statement was all he wanted. And here, no doubt, will end this particular form of difference, but another 'good enough' Mr. Smith will soon be found to create a new difficulty with the old purpose. Filibustering is not to be stopped by an affidavit:

United States of America,
Southern District of New York,

I, William Smith, Purser of the United States Mail steamship Crescent City, being duly sworn, depose and say, that the allegation contained in a certain order or manifesto, signed "M. Galliano," an officer of Havana, the 4th day of September, 1852, and repeated in the official paper at Havana, that I had "published the most gross calumnies against the government of said island," and the further allegations which I understand have been made unofficially to the Government of the United States, that I had held communication with disaffected persons in the port of Havana, in the island of Cuba, and had been the bearer of letters or messages to and from such persons, are all utterly without foundation.

I have never written or published anything against the said island of Cuba, nor have I ever carried letters or messages to and from disaffected persons in said island, or held any communication with such persons, or in any manner interfered with the affairs of the said island, or the proceedings of its authorities. I have confined myself strictly to the discharge of the duties of purser of the ship, and have demeaned myself accordingly.

Furthermore, it has been the express command of Captain Porter, and the Mail Steamship Company, that no officer or person employed on the ship should be allowed to carry letters outside of the mail, other than those belonging to the ship's business; and when letters have been sent on the steamer, after the mails have been closed and received on board, they have been placed in charge of the Purser, and in all cases delivered to the post master at Havana.

I also further depose and say, that I have never been in any manner connected with any association or expedition for hostile purposes in relation to the Island of Cuba, or for annoying, resisting, or interfering, with its authority.

(Signed) WILLIAM SMITH.
Sworn to this 21st day of October, 1852, before me,
JOSEPH BRIGHAM,
U. S. Com'r. for the Dist. of New York.

IF one wishes to know by how base and sordid a spirit the larger portion of the New York Daily Press is governed, it may be seen by turning to the first page of this week's *Standard*. We copy these articles from five different newspapers, the editors of every one of which unequivocally, and more or less strongly, regret that eight human beings through the fortunate stupidity of their master and mistress, and by the beneficent action of Common Law and the Statutes of a Free State, are redeemed from bondage, and are to be permitted hereafter to enjoy their inalienable right to Life, Liberty, and the Pursuit of Happiness. So is it with one half of the daily newspapers of this city; and of the other half, though not open and unblushing advocates of the re-establishment of Slavery, and the opening of the Domestic Slave Trade on our soil, but one only of them all—*The New York Tribune*—has had the manliness and the humanity to speak out on this case in such terms as befit a press that pretends to be governed by either Republican or Christian principles. We should indeed have been disappointed had the *Tribune* taken any other course; nor had we any good reason to expect anything better from its contemporaries than we have got; but we nevertheless cannot escape a feeling of sadness that in so plain a case as this, where the question is whether *all* men are really born free and equal, or whether the local law of Slavery is a universal and paramount law—whether our own is a free State or a slave State—whether we shall make New York a Port of Entry for the Domestic Slave Trade—that among all the daily newspapers, which must, in some measure, represent the half million of people in and about this city, that but one should be found that manfully, unequivocally, without any shuffling or any hesitation, has the virtue and the courage to come forward in defence of those principles which, it is pretended, distinguish this country and people from the rest of the world, when there is danger that they may be outraged and set at naught.

Nor is this all; it is not merely that these editors abstractly favour the wrong, but they give earnest of their devotion to it. Within the week, a subscription set on foot by the *Journal of Commerce* in behalf of the Lemmons has reached, between Monday morning and Saturday night, without any other effort than one or two newspaper paragraphs, the sum of $5,280. Was it done from any feeling of compassion for these people who have lost what they they impudently and wickedly call their property? Not a bit of it. The probability is that not one of the shopkeepers, or merchants, who subscribed to this fund would hesitate, for a moment, to press a creditor for payment to the last dollar, whether it was misfortune or mismanagement that had involved him in difficulty and reduced his family, perhaps, to want. What, then, could have been the motive which prompted this quick relief to the Lemmons? The *Journal of Commerce* made the appeal on that ground which was sure to bring a ready response. It was simply and solely this: pay for these slaves, or you lose Southern trade; nay, worse than that—if you do not pay for them, if the South finds she cannot bring her slaves here with impunity for transhipment, you will lose a branch of profitable trade that is just about opening for us—the transportation in *our* steamships, from *this* port, of slaves from Virginia, Maryland, and North Carolina, to New Orleans and Texas, and, when the time comes, to Cuba. This is a plain unvarnished statement of the fact which the *Journal of Commerce* hardly pretends to gloss over with a seeming compassion for the Lemmons; and the hope of patronage from slaveholders, and of securing for New York a carrying-trade in slaves, was the sole motive of the donors.

However pitiful, and sordid, and base, as is this whole business, we rejoice at such a conclusion of it. It is much to have the thin and sleazy veil of hypocrisy lifted from the effete, contemptible and snivelling pietism so well represented by the *Journal of Commerce*, and the real hearty love of its class for Slavery, for its own sake and for what it will bring, so completely exposed in its own naked deformity.

MONUMENT TO COLUMBUS.—We have received a fine print of a proposed Monument to Columbus, to be erected at Washington. The design is by Aristodemo Costoli, the Professor of Sculpture in the Academy of Fine Arts, Florence, and the work is to be executed by him. Messrs. Fabbri Brothers, 167 Broadway, propose to raise $150,000 by subscription and by the sale of the lithograph, which sum, after defraying all expenses, will be adequate to pay for the work, and for its erection.

The design of the artist is one of great simplicity and great beauty. Columbus stands in the centre of a group, representing the four quarters of the globe, and from the figure of an Indian raises a veil and reveals America to her sisters. The least conspicuous and important figure is that of Africa, who is in the background, and apparently but little interested in the grand event. The work would be truer to history if she were represented kneeling in agony before the Discoverer, beseeching him never to raise the veil which was to bring so many centuries of wretchedness to her. In that case, however, the monument would have to seek some other site than one in Washington, or almost anywhere on the Continent of America.

☞ IN the excellent sermon of the Rev. Mr. Johnson, of Lynn, Mass., which it was our privilege to publish in the last number of the *Standard*, we regret to learn there were several errors of the press. We make the following corrections, though all except, perhaps, the two last would be made by the reader on the first rusal.

At the middle of the second column, *inheroic* should be *unheroic*. Near the close of the same paragraph, in the sentence beginning "An indignant protest," the comma should follow *man* instead of *vote* At the bottom of the third column, for *fatten*, read *batten*. In the last paragraph but one, for *direct* rights, read *dearest* In the last, for *heathen bondmen*, read *heart-broken bondmen*.

☞ WE observe in the *London Morning Advertiser* another call for a subscription on behalf of the author of 'Uncle Tom's Cabin.' The writer says:

I have an impression that the readers of *Uncle Tom's Cabin* in England would subscribe one penny each to Mrs. Stowe, and while it would reward her for her work, it would be a nation's protest against the abomination of American Slavery.

I have little doubt but the amiable nobleman [Earl of Carlyle] who has written an Introduction to *Uncle Tom's Cabin* would consent to become treasurer, if you will use your influence in bringing the matter forward.

If my humble name would be of any weight, I would gladly give it, but prefer signing myself,

ONE WHO HAS LIVED IN AMERICA.

The *London News* acknowledges some subscriptions to such a fund.

TO-DAY is appointed as a day of Thanksgiving by the Governors of the following States:

Massachusetts, Maine, Vermont, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, North Carolina, Georgia, Florida, Kentucky, Wisconsin, Indiana, Ohio; and it is also observed in the District of Columbia.

THE INDEPENDENT DEMOCRATIC VOTE.—The annexed is the nearest approximation that has yet been made to the vote cast for Mr. Hale in the recent election. Most of the returns are official in full, and perhaps as near as we shall ever get them. For Maryland and Virginia there is yet no estimate, but each must unquestionably have given some votes for the Hale ticket.

Maine	8,000
New Hampshire	6,666
Vermont	7,529
Massachusetts	28,023
Rhode Island	624
Connecticut	3,160
New York	20,000
New Jersey	344
Pennsylvania	8,524
Delaware	62
Ohio	25,000
Indiana	5,000
Illinois	10,000
Michigan	6,000
Wisconsin	7,000
Iowa	1,000
	137,432

Miscellaneous News.

THACKERAY has commenced his lectures, on the Wits of the reign of Queen Ann, in this city.

A HAVANA correspondent of the *Tribune* says, that several cargoes of slaves have lately been landed on the island, and that the Captain General received eighteen thousand dollars for allowing the traffic.

IT is stated that at the late Presidential election, no poll was opened at Brunswick, Glasgow County, Georgia, as the people of that locality were of the opinion that *none* of the candidates were worthy of support.

A NUMBER of the citizens of Boston and vicinity are getting up a complimentary testimonial of their personal esteem for the President elect, in the shape of a "model" carriage, together with equipage complete, all of New England production, for the occasion of his inauguration in March next.

The Kinderhook Sentinel thus notices the death of Jesse Merwin, aged seventy years, at that place, on the 8th inst:

Mr. Merwin was well known in this community as an upright, honourable man, in whom there was no guile. He was for many years a justice of the peace, the duties of which he discharged with scrupulous fidelity and conscientious regard to the just claims of suitors, ever frowning upon those whose vocation it is to "ferment discord and perplex right." At an early period in his life, and while engaged in school teaching, he passed much of his time in the society of Washington Irving, then a preceptor in the family of the late Judge Van Ness, of this town.

Both were engaged in congenial pursuits, and their residences being only a short distance apart, the author of the "Sketch Book" frequently visited the "Old School House," in which "Squire Merwin" was engaged teaching the young idea how to shoot, and subsequently immortalized his name by making him the hero of one of his inimitable tales—"The Legend of the Sleepy Hollow."

THE bark Lind, Stewart, sailed for Liberia on Saturday, from Philadelphia, with nine emigrants. She will stop at Norfolk for one hundred and seventy more. Bishop Scott, Rev. W. Horne, Rev. Mr. Scott, and several ladies go out as cabin passengers.

WOMAN'S RIGHTS CONVENTION IN OHIO.—This body met at Mt. Gilead on the 16th, and was organized by the appointment of the following officers: President, Esther Wood; Vice-Presidents, Mrs. Charlotte Clarke and Mrs. A. E. Gurley; Corresponding Secretary, Miss Phebe Spencer; Recording Secretary, Miss Ann Wood. Mrs. Frances D. Gage delivered an interesting address, and the following Committee was appointed to report upon the relative rights and duties of the sexes; G. W. Sharp, Mrs. Gage, Mrs. Bushnell, W. C. Clark, Eliza Billings and W. Brandon. Convention adjourned till evening. At the evening session, several letters were read from distinguished advocates of woman's rights, and Mrs. Gage again addressed the Convention in a very able manner.—*Cleveland Herald.*

TO SOUTHERN DEALERS.—Your attention is respectfully invited to the advantages this market offers for the sale of your human property. Most other kinds of merchandize and cattle may be more profitably disposed of elsewhere, but for "niggers" there is no place like New York. It's astonishing, the greenness of the New Yorkers in this branch of trade. You can get full price and over, for women, youngsters and babies that arn't worth half-price where people buy niggers to work 'em. On six or eight head, you may clear as much as $2,000. All you have to do is to let your goods run away and catch them here, or else bring them yourselves on the way to Texas. Either method will prove successful and fetch the cash.

N. B. This mode of selling don't hurt the conscience. You give the poor devils their freedom, deserve well of Heaven, and don't lose a cent by it. This is a great advantage.—*Tribune.*

A WHIG VOTE.—The Providence *Journal* tells the following old story in so agreeable a style that we cannot help copying it:

It is recorded that in one of the upper plantations of Maine where the vote had long been almost unanimously Democratic, a single vote for the Whig candidate was once found in the ballot-box. The astonished and indignant moderator of the town meeting held it up, and called in a loud voice, "Who gin that vote?" The Whig, whose situation our friends can have no difficulty in appreciating, did not venture to come forward. Again the moderator called forth, "Who hove in that Federal vote?" Still no answer. "Nobody owns it," said the moderator, "and it is rejected." So the vote of the plantation was returned as usuall all on the Democratic side.

It was in Hornby that the above affair occurred. The same town long sent Captain Peter Biddle to the Legislature. On election days, the moderator used to get up, and say—"Fellow-citizens, you will now proceed to bring in your votes for Captain Peter Biddle for town representatives; and they were brought in, and Captain Biddle thus put in.—*Boston Times.*

A CARD FROM MR. LEMMON: *To the Editor of The Tribune.*—I find in your journal of the 19th inst., under an article headed "A Chance for the Benevolent," that after making an allusion to the circumstance of my coming from Virginia to New York with my family and slaves, you employ the following language:

"All the coaxing of Mr. and Mrs. Lemmon failed to sweeten the inexorable darkies. 'Haven't I always treated you well?' pathetically asked the lady of her late chattel. 'No,' replied the chattel, 'you sold my husband away from me three years ago, and I have never been able to hear from him since; I don't call *that* good treatment.'"

Now, I have to say that no such question was ever asked, nor was any such conversation ever had between Mrs. Lemmon and her slaves, or late chattel, as you have thus stated. Moreover, neither myself nor Mrs. Lemmon ever sold the husband of either of the slaves brought with us to New York. I may add that neither of us ever sold a slave or negro at all.

In order, therefore, that this matter may be set right before the public, I must ask you to give this card an insertion in your paper of next Monday.

Hoping that your informants may in future be more careful in giving you true intelligence, I remain yours, respectfully,

JONATHAN LEMMON.

New York, Nov. 20, 1852.

☞ Well, Mr. Lemmon! as you are voluntarily in the witness-box, will you be so good as to tell the public through our columns who *did* separate these women and children from the husbands of the former and fathers of the latter, and where said husbands (after the fashion of Slavery) and fathers may now be found. We admit, since you say so, that we were previously misinformed; but you and Mrs. Lemmon must be well posted in the premises, and can tell us the exact truth. Will you be so good as to tell us, therefore, where *are* the husbands and fathers of your late slave women and children? how they came to be separated from their wives and children—and what was the prospect, had these children proceeded to Texas as your slaves, that they would ever again have seen their fathers? Please oblige us with this information, since you have entered upon the subject.—*Tribune.*

WOMEN'S RIGHTS CONVENTION IN INDIANA.—A Woman's Rights Convention was held at Richmond, Indiana, on the 15th and 16th ultimo, on which occasion Mrs. L. W. Vandenburg was called to preside. Jane Morrow was chosen vice president, and Mary B. Birdsall secretary. A series of resolutions was adopted, affirming that the fair sex labours under many grievances, and claiming that women should be placed in all respects on an equal footing with man, both as respects compensation for labour, and in the rights of citizenship. They moreover assert the entire equality of the sexes.

THE LONDON LITERARY GAZETTE AND THE NORTH AMERICAN REVIEW.—The following paragraph is from the London *Literary Gazette*, of Oct. 30. After enumerating the subjects of the articles of the *Review* for October, among which it mentions "Stile's Austria in 1848-49," the *Gazette* adds:

"A passage in the last named *Review* speaks of America as 'the invincible refuge and sanctuary whither exiles from every nation and kingdom flee.' The writer might have refrained from this boasting since the passing of the Fugitive Slave Act. We should like to see one article on 'Uncle Tom's Cabin' in the *North American Review*."

So should we. Can't the literary Hunkers of Boston and vicinity club together and write one? Mrs. Stowe is rather a formidable adversary, but by all joining together we should think they might muster courage to face her.—*Boston Commonwealth.*

The Evening Post, in an article on The Trials of a President, says:

It was once remarked by a gentleman who has since obtained deserved eminence in the literary world, that he never believed in the doctrine of total depravity until he taught a village school. If there be any other position better calculated to inculcate that dismal dogma, than that of a village pedagogue, we fancy it must be that of President-elect of the United States.

From the very day the election of General Pierce became reduced to a matter of comparative certainty, down to the present hour, he has been dogged from city to city, and from village to village, from his office to his house, from his house to his barn, from his barn to his kitchen, by a horde of predatory politicians, determined, at every sacrifice of convenience or propriety, to make an early impression on his mind of the value of their services in the late canvass, and to show how largely they contributed to its auspicious result.

DIFFICULTY IN A TOBACCO FACTORY.—A NEGRO MAN SHOT.—A difficulty occurred yesterday morning about 7 o'clock, in the tobacco factory of Dr. Mosby, between the overseer and one of the hands, which resulted in serious consequences. It seems that a slave named Amos, belonging to the estate of William G. Watson, deceased, had absented himself from the factory for a couple of days, without permission. Thursday evening Dr. Mosby sent word to the fellow that he should expect him to be in his place on Friday. Accordingly he came to the factory yesterday morning, and upon reporting himself to the overseer, Mr. George Fuchran, received directions to strip for punishment. The negro refused to comply, remarking in an insolent manner that it was not his purpose to submit to a flogging. The overseer seized him by the collar, when the fellow offered resistance, and a scuffle ensued. Finding the negro disposed to resist to the bitter end, Mr. F. called his brother (quite a young man) to his assistance. As soon as he came up, the negro remarked that he could and would whip both if they interfered with him. Mr. F. then took up a screw-wrench, which the negro attempted to wrest from his grasp—another scuffle ensued, during which the negro throttled the overseer, choking him severely. While engaged with the fellow, and finding him more than a match, Mr. F. called upon his brother, and requested him to get a revolver out of the desk. The pistol was placed in the hands of the overseer; and upon the negro still refusing to release his hold, Mr. F. fired upon him. Three shots were fired; the first took effect in the right shoulder; the other two penetrated one of his thighs. As soon as he discovered that the shots had taken effect, the negro released his hold upon the throat of the overseer, ran out of the factory, and went to the office of his master, W. F. Watson, Esq. Mr. J. M. Jackson heard of the difficulty and followed the negro. Upon reaching the office, however, he found the negro in custody of Lieutenant Johnson. As his wounds were serious, it was deemed advisable to carry him to the infirmary, and he was accordingly taken thither by the officer. His wounds were dressed by the attending physicians; but we have not heard any opinion expressed as to the extent of his injuries.—*Richmond Times*, 11th.

A CHANCE FOR THE BENEVOLENT.—Mr. Jonathan Lemmon came here from Virginia, with his family and slaves, to obtain a passage for Texas, whither he purposed to emigrate. He here found that his slaves in Virginia, being brought here voluntarily by himself, were no slaves at all, but free to go with him or elsewhere—and they did the latter. All the coaxing of Mr. and Mrs. Lemmon failed to sweeten the inexorable darkies. 'Haven't I always treated you well?' pathetically asked the lady of her late chattel. 'No,' replied the chattel, 'you sold my husband away from me three years ago, and I have never been able to hear from him since; I don't call *that* good treatment.' So the Lemmons dropped Pathos and tried Law, and were beaten. The chattels were unchattelized, the laws of New York governing the decision.

Therefore *The Journal of Commerce* has started a subscription to pay Mr. and Mrs. Lemmon the value of the uncompensated labour they might have got out of the chattels hereafter, if they had not been so green as to bring them into a Free State; and as we always like to do a good-natured thing, and some of our readers might possibly choose to contribute, we copy *The Journal's* last paragraph on the subject—as follows:

"The proposition to raise $5,000 by voluntary subscription, to indemnify Mr. Jonathan Lemmon, of Virginia, for the loss of his slaves, while touching at this port a few days since, on his way to Texas, has been universally approved, so far as our information extends. Pledges exceeding $500 in the aggregate, have been sent to us by responsible persons as a part of the fund, on condition that the whole amount should be raised. *There is reason to hope that the money contributed will be refunded by the Legislature at its approaching session.* Still, it may not be, and subscribers should be prepared for either alternative. Whatever is done in the matter will come with better grace if done promptly and voluntarily."

—Here is a case which appeals directly to the gizzard of Cotton. If Mr. Lemmon is not compensated for his lost chattels, there can be no rational hope that New York will hereafter enjoy any portion of the carrying trade in slaves between the slave-breeding and the slave-consuming States—a trade already considerable, and certain to be largely increased by the Annexation of Cuba. And, as we apprehend the prospect of a repayment by the Legislature is not particularly bright, we urge the contributors to hurry up the $10s, $20s and $50s forthwith. The names of the contributors are to be printed in full, and the jobber or cotton-broker who gives $50 may reasonably calculate on an accession to his Southern trade worth at least ten times his outlay. So Union-saving, Business and Benevolence may all be combined in one operation, yielding a larger profit than any Quartz Mine yet discovered. We are confident the $5,000 will be made up before the week is out.—*Tribune.*

LOOK OUT, SLAVEHOLDERS!—A correspondent of the Maysville *Eagle*, under date of Nov. 8, says:

I understand that a mass meeting, consisting of the slaveholders of the counties of Mason and Bracken, are to meet at Minerva, on the 16th inst., to take some steps for the further protection of Slavery in the two counties. I cheerfully concur in the propriety of the proposed meeting, and trust you will ur

Miscellaneous Department.

SUNDAY RECREATIONS.

A MEETING was held on Thursday which illustrates to a remarkable degree two well-known principles, or more properly, weaknesses, of human nature—the first, the tendency of man to a merely prohibitory religion; the second, a vast preference for the particular prohibitions that happen to be no denial to the man who enforces them. The meeting professed to consist of the clergy belonging to, or resident within, the Archdeaconry of London, and the speakers, beginning with that ecclesiastical, "three gentlemen at once," the Archdeacon, and ending with Dr. Croly, expatiated with wonderful unction on the certain ruin to metropolitan, and through it, to provincial religion, should the new Crystal Palace be opened on Sunday afternoon. It was confidently predicted that our churches, especially those in the city, would be deserted; that, even if the practice of Sunday morning service continued, the few worshippers would be outraged on coming out of church by seeing streams of cabs rush by to the station, that the Crystal Palace would contain nothing to remind its frequenters of the world to come, or any other religious truth; and that it would be surrounded by an *enceinte* of gin palaces, in which the thirsty multitude, after a short visit to the Palace, would spend the remainder of the day.

Late at night 50,000 intoxicated wretches would return shouting and quarreling to the metropolis, the aspect of which would be anything rather than what a Christian metropolis ought to wear on a Sunday. There was no doubt as to the results, and apparently as little doubt as to the present thriving state of religion, and the very perfect way in which the Sabbath is now observed. Strong in the facts of the case, and stronger in prophecy, the speeches were eloquent, able, and pious. Some time was lost—lost at least to the profane eyes of the laity—in discussing whether it best suited the dignity of the assembled body to appeal to the directors of the Crystal Palace Company, or to send a deputation to Lord Derby, or to go straight to the Queen, and ask her, point blank, not to grant a charter. The *via media*, an address to the Minister, was at last chosen, and his lordship may soon expect a numerous and influential deputation, consisting of the Archdeacon of London, the Canon of St. Paul's, the Master of the Charter-house, the Vicar of St. Giles' Cripplegate, and several other dignitaries.

The results of opening the Crystal Palace on Sunday afternoon must, of course, for the present, be entirely conjectural; not so, however, the results of having no such resource. There will be no Crystal Palace to-morrow afternoon, nor was there in the Sunday afternoons of last Summer. So we may already see for ourselves, without going to Sion College, the results of a compliance with the address thus agreed to. Do the masses, the people, the working classes of London crowd to our churches, morning, afternoon, evening, whenever the bells invite them? Do we see our aisles, our free seats, our galleries, crowded with the pale faces, the horny hands, the fustian jackets, the coarse linen, of those who do the rough work of this vast metropolis? Where are the artisans, the labourers, the porters, the coalwhippers, the lightermen, the sailors, and the myriads of toiling and suffering humanity? Here and there one of them, a marvel of his class, a man to write a book about, the hero perhaps already of half-a-dozen religious tracts, does go to church, or to meeting, on the Sunday morning, and perhaps the evening also. Will the statists and prophets of Sion College tell us where the others are, the 999 out of a thousand? We presume they will not say, with the Pharisees of old, "this people is accursed," nor can they imagine that these 999 are engaged in private prayer, or otherwise observing the Sabbath. No; without specifying the various attractions which the existing laws permit on the Sunday afternoon, we may at once reply that the said 999 are sotting, or sleeping, or talking politics, or reading the Sunday papers, or fighting, or seeing their dogs fight, or rat-catching, or walking in the fields—if there chance to be any within walking distance—or quarreling with their wives, or simply doing nothing at all, being jaded, wearied, prostrated, in a sort of hebdominal trance or *coma*—that very minor sort of intoxication into which a very wearied man may be thrown by a single half glass of bad beer, or a half dram of bad gin. That is the present state of things, and that is the state which the venerable Archdeacon and his friends wish to perpetuate, as it certainly would be perpetuated by a compliance with their address.

Might we beg to suggest to these very excellent gentlemen, that if they really want a task worthy of the high position they claim, they had better leave for a while the old beaten track, and the very easy track, of mere prohibitions, and attempt something of a more substantive, more constructive, or, as the Bible expresses it, more edifying character. Let them endeavour rather more to fill our churches; let them go into the streets and alleys, into the cellars and garrets, and try to reclaim men to a more civilized and religious way of life, and finally so train the people that they shall of themselves come to church. Most assuredly they will never come to church merely because they can go nowhere else, for a man can always make a beast of himself at home if he has nowhere else to go to, and it will be worse for his wife and children if he does so. But it is quite clear that the lock and key system will not answer. Religion and morality must be in a very bad way when their only trust is in brick walls and oak doors, to keep people inside or outside, as it may be—inside a prison, or outside a place of innocent instruction or recreation. It is certainly not for want of buildings or endowments or clergy that "the people's Sabbath" is spent in the way we have described, for there is hardly a working man in London who has not a church, a clergyman, a school, and all the rest of the parocial apparatus within a quarter of a mile at the furthest. It is quite evident that neither opening churches nor closing places of amusement will answer without something else. Now, if the dignitaries and clergy of London would meet to consider how to win the hearts and souls of the people, they might possibly counteract the attractions of the Crystal Palace without the rude method of simply shutting it up. As it is, the question lies between various kinds of recreation—between the gin palace, the skittle-ground, the prize-ring, and, most innocent of all, the tea-garden, on the one hand, and, on the other, an exhibition similar to that which was opened and closed with sacred worship, in the presence of Royalty, last year.

But the most suspicious feature of this zealous prohibitory movement is that the prohibition is a very serious thing to one class—viz., the class under rebuke, and a mere bagatelle, or not even that, to the inexorable censors themselves. A man who occupies a good house in an airy street, with every comfort about him, and with hardly any ties as to hours, who can go into the country any day of the week, and spends a month at least every year far away from the metropolis, will find it no denial at all to be forbidden an exhibition, or any place of public resort, on the Sunday afternoon. If the clergy assembled at Sion College want a breath of country air, or a fresh current for their thoughts, they can and do take it any week day they please. Artisans, on the contrary, are generally so tied to their work that Sunday is the only day they can call their own. It is either Sunday or no day with them. "Oh, but," says one of the speakers at Sion College, "are there not the green fields, the comforts of home, and many things that the poor man can enjoy in common with his superiors and neighbours?" No, Mr. T. B. Murray—for that is the gentleman who talks in this way—the poor man has not green fields, nor the comforts of his home, nor anything he can enjoy in common with his superiors, except the hard pavement, the London sky—seldom very clear—and the inside of the church, for which hitherto he seems to have but little appreciation.

It takes a long time to get to green fields from the center of London, and when you get to them at last, you find the illusion disappear. You find you must walk between high fences and foul ditches, with huge pailings smelling of gas tar, shutting out the view; you find the ground too damp and the grass too dirty to allow you to sit down—and there is no other way to rest your weary limbs if you happen to be tired with your walk; you find crowds of people still more wearied than yourself, looking about for seats in vain, and evidently at that pass which soon or late comes to all in the evening of life, when pleasure itself is a toil. Nor is this the whole or the worst of your disagreeables. There are on all sides throngs of rude lads, occupied very suitably for their own boyish age, and obeying instincts which you are disposed to regard with indulgence, but somewhat to your present discomfort—that is, throwing stones, pushing one another about, exercising their lungs, and "larking" generally. You also meet numerous ill-conditioned fellows, leading awful-looking bull terriers, with every imaginable vulgarity of body, face, and limb.

Among the pleasantest and most available spots near London at all, in the nature of "green fields," are the various approaches to Hampstead, particularly that over Primrose-hill. Will Mr. T. B. Murray, then walk to-morrow from Camdentown, by Chalk-farm, to the top of Primrose-hill, and thence through "Belsize-park" to Hampstead church, and even he will acknowledge that for Sabbatical peace and devotional retirement, you might as well be roaming through the aisles, the promenades, and the gardens of the Crystal Palace. But if green fields are to be set against the Crystal Palace, at all events let us have green fields. Let proper spaces be secured for surburban parks and gardens before the contractor has secured the few bits of green that remain. Every quarter of London ought to have its park as well as the West-end—nay, with more right to it, for the West-end fashionables have parks of their own, and can always fly away and be at rest in the country; not so the unfortunates of Finsbury, Pentonville, the Borough, or Lambeth. As it is, the majority of the working classes cannot go so far as green fields without a long walk, and even then only to see them, and scarcely that. Neither have they comfortable homes. So, according to this gentleman's own showing, they are driven back to the scheme of a Crystal Palace for want of any other recreation on their Sunday afternoons.—*London Times.*

THE RUINS OF TINIAN.

THE statement "going the rounds" of the papers, and which a late number of our journal presented in an attractive form from the *Courier*, respecting certain ruins in one of the Ladrone Islands, refers to quite an old affair. These remarkable antiquities are by no means the original discoveries, as alleged, of Captain Alfred K. Fisher, of the New Bedford ship America, any more than the guano Lobos Islands were the discovery of Captain Morrell. The newspaper report talks largely of buildings, and columns, and capstones. The earliest and most authentic account upon which we have been able to lay our hands occurs in "Anson's Voyage Round the World, in the years 1740–4," printed in London in 1748. This celebrated admiral, in his adventurous cruise after the Manilla galleon, was driven by stress of war and weather to the latitudes of the equator, where he made Tinian, one of the Ladrone Islands. He landed a portion of his crew there, who speedily recruited their health, in gratitude for which he has left a most delightful picture of the island.

The Ladrones were discovered by Magellan, in 1521, and took their name from the thievish habits of the natives, *Las Islas de las Ladrones*. At the end of the seventeenth century they were called the *Marianne Islands*, from the queen of Philip IV. of Spain, who propagated Christianity in this region. The native population declined under the Spanish occupation. In 1742 Anson found Tinian depopulated, the natives having been carried off fifty years before to repair the loss by sickness in a neighbouring settlement. The islands, some twenty in number, of which four or five only are occupied, are volcanic in their origin, lie near each other, and show signs of violent disruptions. Though within about fifteen degrees of the equator, the climate is agreeable, from the prevalence of the trade winds. The soil is fertile, producing cotton, rice, indigo, corn, sugar, and the various tropical fruits. The present Spanish settlers are chiefly from Mexico and the Philippines.

After celebrating the pleasantness of the island of Tinian, Anson gives the following account of its ruins:

"There are in all parts of the island, a great number of ruins of a very particular kind; they usually consist of two rows of square pyramidal pillars, each pillar being about six feet from the next, and the distance between the rows being about twelve feet; the pillars themselves are about five feet square at the base, and about thirteen feet high; and on the top of them is a semi-globe, with the flat part upwards; the whole of the pillar and semi-globe is solid, being composed of sand and stone cemented together, and plastered over. If the account our prisoners gave us of these structures was true, the island must indeed have been extremely populous; for they assured us that they were the foundations of particular buildings, set apart for those Indians only who had engaged in some religious vow; and monastic institutions are often to be met with in many Pagan nations. Moreover, if these ruins were originally the basis of the common dwelling-houses of the natives, their numbers must have been considerable; for in many parts of the island they are extremely thickly planted, and sufficiently evince the great plenty of former inhabitants."

In that excellent storehouse of information, "Oceanie, par G. and Domeney de Rienzi" (Paris, 1836), one of the series of the publication *L'Univers*, we find an engraving of the ruins, copied apparently from Anson's quarto, with some additional entries in "un Passage Charmant de la Promenade, ou Tour du Monde, par M. J. Arago:"

"The veracity of Anson has often been doubted, as Tinian is stripped of its luxuriant vegetation, its animals and its people, and has been as much decried by Captain Byron as exalted by Anson." We are, however, far from suspecting the sincerity of Anson, and we can give no better proof of it than by citing a passage on this subject from the delightful Tour around the World of M. J. Arago:

"Two days afterwards we arrived at Tinian. Where is this luxurious vegetation, these vigorous palm-trees, these thick-set groves, these beautiful leaves? I find the same clear atmosphere, but the shore is almost barren. Some withered cocoa trees still shake their trembling heads in the air, and they alone rise above the antique pilasters built by a people of whom we have not even a tradition. Here on the beach are some oblong polished and coloured stones, 'Alcade, what are these blocks?' 'The blocks of the ancient inhabitants.' 'And whose is this well, so excellently constructed?' 'The well of the ancient inhabitants.' 'And those pilasters, surmounted by a hemisphere in stucco?' 'The pilasters of the ancient inhabitants.' 'And what are these two long lines of parallel columns?' 'All that was built by the ancient inhabitants.' 'Who were this people, what has become of them? Have they emigrated? Are they extinct?' 'I don't know what.' This Alcalde rules over three daughters, four servants, and a convict of Agagua. These form the entire population of the island.

"So Anson has lied to the Universe by publishing such a magnificent picture of the island? No; the admiral doubtless spoke the truth, for the soil is covered with rotting trunks and uprooted trees of gigantic growth. A torrid tempest has devastated the forests of this impoverished soil, a commotion like that which rent Sicily must have thrown down these extraordinary colonnade whose fragments you behold strewed over the ground, and has also perhaps engulphed the entire population of the island.

"Tinian is at the present day an abandoned island, without culture, and without population. All its inhabitants were comprised in the apartment of the Alcade. They were fifteen in number, and were lodged in four wretched thatched huts. Throughout the island trees are rare and stunted. You here and there find an old cocoa, and a small number of overgrown plantations. Such is this region which seems as if it had some day been surprised by a great catastrophe."

"It is really at the sight of these magnificent ruins still standing," says an elegant and agreeable writer, M. L. Reybaud (a fanciful, picturesque Voyage Around the World, which is publishing at the same time with our Oceana), "impossible to deny that this place has had its era of prosperity and grandeur. Even if we penetrate to the midst of a thicket of briars, we find ourselves before fragments which are styled, on the island of Rota, the *houses of the ancients*. At the sight of these colossal remains, we ask ourselves who were the people who raised these structures, and whether they were thrown down by the action of nature or of man. The grouping of these structures, their semicircular form, their construction of cemented sand, their position, order, arrangement, all astonishes and baffles us. What were these massive capitals for? What monarch, in the words of M. Arago, was able to build this long colonnade, which was all evidently part of a single edifice? The local legends either say nothing about them, or utter absurdities impossible to credit. As an example, Toumoulon Tega was the principal chieftain of this island; he ruled in peace, and none thought of disputing his authority. Suddenly, one of his kinsmen, called Tjocnanai, raised the standard of revolt, and his first act was to build a mansion similar to that of his rival. Two parties were formed; they fought, the dwelling of the rebel was sacked, and from this dispute, which became general, sprang a war, which, by depopulating the island, led also to the ruin of its edifices."

The best preserved of these ruins are those seen to the west of the roadstead. The edifice had twelve columns, eight only of which are standing. It singularly happens, that in the fall of the columns the hemisphere by which they are capped remains unimpaired. Other ruins, still more dishonoured, are found around a well, which is in like manner styled *the well of the ancients*. They seemed to have formed a building more than four hundred feet long. The roots which bind together these old fragments give a peculiarly picturesque appearance to the entire neighbourhood.

Malte Brun gives a paragraph to the subject: "In various places in this island, ruins are found which show it to have been once well peopled. These ruins present numerous columns, and the remains of ancient edifices which have been overthrown by nature or by men."

Here fails our knowledge of these antiquities, till some Surveying Expedition, or adventurous Stephens or Squier shall alight upon the island, and with a goodly share of perseverance and enthusiasm, introduce these curious memorials in a more circumstantial manner, to the scientific world.—*Literary World.*

NOVEMBER.... By Hood.

No sun—no moon!
No morn—no noon—
No dawn—no dusk—no proper time of day—
No sky—no earthly view—
No distance looking blue—
No road—no street—no "t'other side the way"
No end to any Row—
No indications where the Crescents go—
No top to any steeple—
No recognitions of familiar people—
No courtesies for showing 'em—
No knowing 'em!
No travelling at all—no locomotion,
No inkling of the way—no notion—
"No go"—by land or ocean—
No mail—no post—
No news from any foreign coast—
No Park—no Ring—no afternoon gentility—
No company—no nobility—
No warmth, no cheerfulness, no healthful ease,
No comfortable feel in any member—
No shade, no shine, no butterflies, no bees,
No fruits, no flow'rs, no leaves, no birds,
No—vember!

THE legend annexed, from Dumas' Glacier Land, is that upon which Werner founded his terrible drama, called "The Twenty-fourth of February"—"a drama," says Dumas, "to be read at midnight, while the storm rages and the lamp flickers, till the marrow seems to freeze in your bones from terror; a drama which Werner flung to the world—not for glory—not for the applause of a theatre, but to free his soul from the burden of incessant, unconquerable gloom, that gnawed it like the Promethean vulture."

THE LEGEND OF SCHWARRBACH.

An old peasant and his son dwelt once on a rude Alpine peak; the young man felt the necessity of a companion, and, despite of his father, wedded Trude, the daughter of a neighbouring pastor, who, when dying, left nothing behind him except long sermons and old books. The want of a dower made Trude an unwelcome daughter-in-law, and frequent altercations took place between her and the old man, which were resented by the son, whose feelings, day by day, became embittered against his father, in consequence of his treatment of the wife.

One evening—it was the twenty-fourth of February—young Kuntz returned home in high spirits from a festival given at Loueche. Singing the chorus of a jovial song, he entered the house and found his father scolding Trude, who wept bitterly. In an instant anger filled his heart; but, out of respect to the old man, he kept silence. The perspiration stood on his brow; he bit his lips and clinched his hands: still no word escaped him.

This seemed to embolden the father, and he became more bitter and insulting; till at last the son looked at him, and, with a low, demoniacal laugh, took down a scythe from the wall. "The grass will soon be ripe," he said; "I must sharpen this instrument;" and he began sharpening it with a knife, while he sang one of those pretty Alpine ditties, as fresh and simple as the wild flowers of the glacier:

"Un chapeau sur la tête,
De petites fleurs dessus;
Une chémise de berger
Avec de jolis rubans."

The old man still raged and stormed; the son continued singing. At length old Kuntz, exasperated to the highest pitch, flung one of those epithets to his daughter-in-law that a husband can never pardon. The young man sprang up, pale, trembling and furious; the knife, the accursed knife, was in his hand; and, no doubt, impelled by the demon, he rushed upon his father. The old man fell, cursed the parricide, and expired!

From that moment misfortune took up its abode beneath the roof. Kuntz and Trude continued to love each other, but with that sombre, gloomy love that bore the memory of blood. Six months after, a son was born to them. The last words of the murdered man had been to curse the child in the womb of its mother; and, like Cain, it bore the brand—a bloody scythe upon the left arm.

Some time after, their cottage was burned down; then disease carried off their herds; and, finally, a slide of snow from the summit of the Rinderhorn covered the ground for two leagues, burying the whole farm and fertile pastures of Kuntz beneath it.

Nothing was left for him now but to turn innkeeper. Five years after the birth of their son, a daughter was born, and they fondly hoped that God's vengeance had ceased; for the child was beautiful, and bore no brand of malediction on its frame.

One evening—it was the twenty-fourth of February—when the girl was two years old and the boy seven, the two children were playing on the threshold with the knife that had killed their grandfather. The mother came and took it to cut the throat of a fowl for dinner; the boy watched her; then, with that love of blood that seems instinctive to some natures, said to his little sister, "Come, let us play; I shall be cook, and thou the chicken." Upon which, taking the accursed knife, he drew her behind the door: five minutes after, the mother heard a scream, the little girl lay steeped in blood, her throat cut across. Then Kuntz cursed his son, as his father had cursed him.

The boy fled, and no one knew whither he went.

From that day everything went wrong. The fish died in the lake, the corn was blighted, the snow covered the valley, and travellers could no longer come to the inn. Kuntz was utterly ruined. One by one he sold off everything he was worth, even to the cottage that sheltered him, but which he was allowed to keep possession of on condition of paying rent. Then a time came that he could no longer pay rent for the few planks that kept the snow and rain from beating on the head of the parricide.

One evening—it was the twenty-fourth of February—Kuntz returned from Loueche, where he had gone to beg a little more time from the landlord; but a delay of twenty-four hours was all he could obtain. Then he had gone about amongst his rich friends; begged, implored, conjured them by all that was most sacred, to save him from despair: not one extended a hand. He met a beggar by the roadside, who shared his loaf with him; Kuntz brought the bread home, threw it on the table, and said to his wife, "Eat, woman; I have dined."

Meanwhile the storm raged outside, the wind roared like a hungry lion, and the snow fell dense and heavy. The sacred night-birds came flapping their heavy wings against the window, attracted by the light from the cottage, within which sat the husband and wife, face to face, yet scarcely daring to look at each other, or, if their eyes met, each started at the wild, ghastly expression upon the face of the other.

At this moment a traveller knocked; the pair within trembled. Another knock, and Trude opened the door.

A fine young man, of about four-and-twenty, entered, dressed as a hunter, with pistols in his belt, along with his purse, a hunting knife by his side, and a stout mountain staff in his hand.

Kuntz and Trude both looked at the belt, and then exchanged a rapid glance.

"You are welcome," said Kuntz, extending his hand; "but your hand trembles."

"It is from cold," said the young man, regarding him with a strange expression; then, opening his sack, he produced a fowl, fried meat, and a flask of brandy. "Will you not sup with me?" he said.

"I never eat fowl," said Kuntz.

"Nor I," said Trude.

"Nor I," said the traveller.

And all three supped on the other things. Kuntz drank lustily.

Then, supper being over, Trude went to the inner room, put a mattrass on the floor, and, returning, said to the stranger, "Your bed is ready."

"Good night, then," he replied.

"A good night's rest to you," responded Kuntz.

The young man entered the room, shut the door, and knelt down to say his prayers.

Trude threw herself on the bed. Kuntz bent down with his head buried in his hands.

After a few minutes the traveller rose up, placed his belt under his head, and hung up his clothes on a nail in the wall; the nail was old and rusty, it fell, and the clothes along with it. The young man tried to hammer it in again with his fist, and the vibration caused some article to fall which was hung at the other side of the wall.

Kuntz looked up. It was the knife, the accursed knife, stained with the blood of two murders, which had fallen, and now lay close to the door of the stranger's room. He rose to take it up, and while doing so caught a glimpse of the young man as he lay asleep, his head resting upon the belt. Kuntz kept his eye some time at the keyhole, while his hand held the knife. Then the lamp went out in the traveller's chamber, and Kuntz turned to see if Trude slept.

Trude was sitting up, her head on her hand, her eyes fixed on her husband.

"Rise," he said, "and hold the lamp, since thou dost not sleep."

Trude took the lamp; Kuntz opened the door, and both entered the room of the sleeping man. Kuntz grasped the stranger's belt with one hand, and held the knife lifted with the other.

The sleeper stirred, the knife fell, and so sure was the aim that the young man had only time to exclaim, "My father!"

Kuntz had killed his own son!

The young man had been abroad, had made his fortune, and had now returned to share it with his poor parents.

* * * * * *

One may imagine how the tragedy haunted me as I ascended the mountain. In fact, the desire to see the inn where all these terrible events had happened, was my principle motive for visiting Mount Gemmi. The scene was in grand keeping with the drama. Behind us the delicious valley, the Kanderthal, young, gay and verdant; before us the bare rocks and the icy snow; while in the centre, like a stain of blood upon a shroud, lay the accursed inn of many murders. Still, I could have wished that bright blue sky away; the tempest should have been roaring around the cabin, and the heavens frowning darkly above it.

Well, at least, I thought, our host will have a gloomy, sinister aspect, suited to his abode; and I advanced, in the full hope of all my worst imaginings being realised. But nothing of the kind: two pretty children, like white and red roses, were playing before the door, cutting holes in the snow with a knife. A knife! How could their parents suffer them to touch so fatal an instrument? I tore it from their hands, and the little ones began to cry.

I entered. The landlord came to greet me. He was a large, jolly fellow, of about forty; very fat and very gay.

"Here," said I, "take this knife away. How can you let your children touch it?"

"Thanks, Monsieur, but there is no danger."

"No danger, unhappy man! and the twenty-fourth of February?"

Mine host curled his lip as if annoyed.

"Ah!" said I, "you understand me?"

At the same time I looked round and recognised the interior perfectly. There was the sitting-room first, Trude's bed in a recess; beyond, the stranger's sleeping-room, where he had been murdered. I opened the door and looked down on the boards for the stains of blood. The dinner-table was laid there.

"Heavens! how can you eat in this room?" I exclaimed.

"Why, sir! A bed is useless there, for few travellers stop the night."

"No wonder," I answered: "terrible scenes——"

"Here's another of them," muttered the landlord, looking very angry.

"But how had you courage to take such a house?" I continued.

"I didn't take it; it was my father's."

"Then you are the son of Kuntz?"

"No, my name is Hantz, not Kuntz"

"Ah! I see; you changed the name?"

"I never changed my name, and, God be praised, never need to change it."

"I understand: it was Werner changed it."

"What do you mean?" said Hantz.

"Why," said I, too happy to begin, "was it not here——"

"Ah, the devil! Must I have more of this?" interrupted Hantz. "This is the way they have all been going on for fifteen years, till my wife and I are well nigh ruined."

"Crime and its punishment!" I murmured.

"Why, Calvin himself couldn't have stood such a persecution," he continued. "There was no twenty-fourth of February, nor Kuntz, nor murders. This inn is as safe as a mother's breast for her child, and no one knew that better than the villain who set the story afloat, for he stayed here a fortnight."

"Who? Kuntz?"

"No, *mon Dieu!* no. Don't I tell you there never was a Kuntz at all in the neighbourhood, but a poor wretch they call Werner, who came here."

"How? the poet?"

"Ay, the poet! that's what all the vagabonds call themselves. Well, Monsieur, the poet came one day to my father's—better for us he had broken his neck getting up the mountain. It was in 1813; I remember him well—an honest-looking worthy gentleman; no one could have suspected him. And he asked my father's leave to stay a week or so; and my father said, 'Yes; but we have only this room to give you; will it do?' 'It will do well,' replied the other, and so he installed himself in this very spot. But we might have suspected something from the very first night, for he began to talk aloud as if he were mad; and when I got up to look at him through the key-hole, he was enough to frighten any one; pale, with his hair thrown back, his eyes now fixed, now wandering, sometimes as immovable as a statue; then, all at once, gesticulating like a madman, and then writing, writing as fast as the pen would go: look you, no worse sign than that. So went on fifteen days, or rather fifteen nights, for, in the day-time, he kept prowling all about the house. At the end of that time, he said, 'I thank you, good people, for your kindness. I have done.' We could not do much for you, sir,' replied my father; 'but you are welcome to all.' Then he paid; and, truth to say, paid right well, and so went away."

"A year passed quietly, and we heard no more of him. Then, one day, two travellers came in, and looked about attentively."

"Here is the scythe," said one.

"And the very knife," said the other.

"The scythe was a nice new one which I had just bought at the Kandersteg; and the knife, an old rusty kitchen one, that we kept hung up on a nail near the door. Father and I stared; then, one of the gentlemen approaching, said:

"Was it not here, my little friend, that a horrible murder took place on the twenty-fourth of February?"

"What murder?" said I.

"That of young Kuntz by his father."

"I don't know what you are talking about," said I.

"Don't you know M. Werner," they asked.

"Ay, do I," said I; "he was a nice gentleman that stayed here a fortnight, two years back: only a little odd; he never stopped talking and writing the whole night, in place of sleeping like other folk."

"Well, my friend, here is what he was writing about, you and your inn," said they, handing me a little book, called 'The Twenty-fourth of February.'"

"No harm as far as that went. The twenty-fourth of February is as good a day as any other. But I hadn't read thirty pages when the book dropped from my hand. Oh! such lies, such horrible lies, about our poor inn! and all to ruin us innocent innkeepers! If we had charged him too much, could he not have said so? But no—he said nothing, and paid—even thanked us, and then the villain! to go and write a book, and describe our house! Ah! such treachery! such baseness! it makes me mad. But if ever I catch another fellow here that writes books, I will make him pay for his comrade."

"Then, there really was no murder?"

"None at all. Every word that fellow wrote was pure invention! Oh! the way we were tormented. (And here our poor host tore his hair with both hands.) "Look you, sir; not a living soul would pass the house but he'd say:

"Ah! there is the very spot, and the scythe, and the knife!"

"It was the same song with every one. So my father got provoked, and took them down one day; but no good was in that, for then the next set cried out:

"Ah, ha! they have hid the scythe and knife; but, see, here is the identical room!"

"In faith, sir, it was enough to kill me, and my father's life was shortened ten years by it. To hear such things said of one's own house—and that to go on now for fifteen years! The fiend! I wish some one had the old barracks; I would sell it, walls and furniture, and all, for a hundred crowns, and go to live in some place where I'd hear no more about Werner, or Kuntz, or the scythe, or the knife, or the twenty-fourth of February."

"Well, well, mine host; never mind now. Just get dinner for me."

"And what would Monsieur like?" he said, adjusting his apron.

"A cold fowl, if you have it, would be excellent."

"A cold fowl! Ah! there's more of it; why, don't you know he put a fowl into the book, too. Just think—a fowl! as if they had done any harm, poor things!"

"Well, my friend, anything you like—only make haste, and I'll go and take a walk."

So I went forth, really pitying my unfortunate host; for such magic vitality have a poet's words, that when once sown, nothing can eradicate them. All I could do was to promise my influence in silencing the *calumny*, as Hantz called it. So, if any of my readers visit the inn of Schwarrback, pray let them make known that I, too, have written a book, and therien striven to unsay all that Werner said.

A DARK DAY IN LONDON.

HAVING published the narrative of my life and escape from Slavery, and put it into the bookseller's hands—and seeing a prospect of a fair sale, I ventured to take from my purse the last sovereign to make up a small sum to remit to the United States, for the support of my daughter, who is at school there. Before doing this, however, I had made arrangements to attend a public meeting in the city of Worcester, at which the mayor was to preside. Being informed by the friends of the slave there, that I would, in all probability, sell a number of copies of my book, and being told that Worcester was only ten miles from London, I felt safe in parting with all but a few shillings, feeling sure that my purse would soon be again replenished. But you may guess my surprise when I learned that Worcester was above a hundred miles from London, and that I had not retained money enough to defray my expenses to the place. In my haste and wish to make up the ten pounds to send to my children, I had forgotten that the payment for my lodgings would be demanded before I should leave town. Saturday morning came; I paid my lodging bill, and had three shillings and fourpence left; and out of this sum I was to get three dinners, as I was only served with breakfast and tea at my lodgings. Nowhere in the British empire do the people witness as dark days as in London. It was on Monday morning, in the forepart of October, as the clock on St. Martin's church was striking ten, that I left my lodgings and turned into the Strand. The street lamps were yet burning, and the shops were all lighted as if day had not made its appearance. This great thoroughfare, as usual at this time of the day, was thronged with business-men going their way, and women sauntering about for pleasure or for the want of something better to do. I passed down the Strand to Charing cross, and looked in vain to see the majestic statue of Nelson upon the top of the great shaft. The clock on St. Martin's church struck eleven, but my sight could not penetrate through the dark veil that hung between its face and me. In fact, day had been completely turned into night; and the brilliant lights from the shop windows almost persuaded me that another day had not appeared. Turning, I retracted my steps, and was soon passing through the massive gates of Temple-bar, wending my way to the city, when a beggar boy at my heels accosted me for a half penny to buy bread. I had scarcely served the boy, when I observed near by, and standing close to a lamp-post, a coloured man, and from his general appearance I was satisfied that he was an American. He eyed me attentively as I passed him, and seemed anxious to speak. When I had got some distance from him I looked back, and his eyes were still upon me. No longer able to resist the temptation to speak with him, I returned, and commencing conversation with him learned a little of his history, which was as follows. He had, he said, escaped from Slavery in Maryland, and reached New York; but not feeling himself secure there, he had, through the kindness of the captain of an English ship, made his way to Liverpool; and not being able to get employment there, he had come up to London. Here he had met with no better success, and having been employed in the growing of tobacco, and being unaccustomed to any other work, he could not get to labour in England. I told him he had better try to get to the West Indies; but he informed me that he had not a single penny, and that he had had nothing to eat that day. By this man's story I was moved to tears, and going to a neighbouring shop I took from my purse my last shilling, changed it, and gave this poor brother fugitive one-half. The poor man burst into tears as I placed the sixpence in his hand, and said, "You are the first friend I have met in London." I bade him farewell, and left him with a feeling of regret that I could not place him beyond the reach of want. I went on my way to the city, and while going through Cheapside a streak of light appeared in the east that reminded me that it was not night. In vain I wandered from street to street, with the hope that I might meet some one who would lend me money enough to get to Worcester. Hungry and fatigued I was returning to my lodgings, when the great clock of St. Paul's church, under whose shadow I was then passing struck four. A stroll through Fleet-street and the Strand, and I was again pacing my room. On my return, I found a letter from Worcester had arrived in my absence, informing me that a party of gentlemen would meet me the next day on my reaching that place; and saying, "Bring plenty of books, as you will doubtless sell a large number." The last sixpence had been spent for postage-stamps, in order to send off some letters to other places, and I could not even stamp a letter in answer to the one last from Worcester. The only vestige of money about me was a smooth farthing that a little girl had given to me at the meeting at Croydon, saying, "This is for the slaves." I was three thousand miles from home, with but a single farthing in my pocket! Where on earth is a man without money more destitute? The cold hills of the Arctic regions have not a more inhospitable appearance than London to the stranger with an empty pocket. But whilst I felt depressed at being in such a sad condition, I was conscious that I had done right in remitting the last ten pounds to America. It was for the support of those whom God had committed to my care, and whom I love as I can no others. I had no friend in London to whom I could apply for temporary aid. My friend, Mr. Thompson, was out of town, and I did not know his address. The dark day was rapidly passing away—the clock in the hall had struck six. I had given up all hopes of reaching Worcester the next day, and had just rung the bell for the servant to bring me some tea, when a gentle tap at the door was heard—the servant entered, and informed me that a gentleman below was wishing to see me. I bade her fetch a light and ask him up. The stranger was my youngfriend Frederick Stevenson, son of the excellent minister of the Borough-road chapel. I had lectured in this chapel a few days previous, and this young gentleman, with more than ordinary zeal and enthusiasm for the cause of bleeding humanity, and respect for me, had gone amongst his father's congregation and sold a number of copies of my book, and had come to bring me the money. I wiped the silent tear from my eyes as the young man placed the thirteen half-crowns in my hand. I did not let him knowunder what obligation I was to him for this disinterested act of kindness. He does not know to this day what aid he has rendered to a stranger in a strange land, and I feel that I am but discharging, in a trifling degree, my debt of gratitude to this young gentleman, in acknowledging my obligation to him. As the man who called for bread and cheese, when feeling in his pocket for the last three-pence to pay for it, found a sovereign that he was not aware he possessed, countermanded the order for the lunch, and bade them bring him the best dinner they could get; so I told the servant when she brought the tea that I had changed my mind, and should go out to dine. With the means in my pocket of reaching Worcester the next day, I sat down to dinner at the Adelphi with a good cut of roast beef before me, and felt myself once more at home. Thus ended a dark day in London.—*Wm. W. Brown's 'What I have seen'* &c.

Gleanings from Foreign Publications.

CONFERENCE OF THE FRIENDS OF PEACE.—A conference of the friends of peace and international arbitration is to be held at Manchester towards the middle of January.

——THE editor of the *London Weekly-Paper*, having made particular inquiries at No. 17 Change alley, London, has ascertained that no such firm as Lockhart & Williams and no Anti-Slavery Society, are known there. If a £50 Bank of England note which the New York editor has received is as fictitious as the address he has given, he will not take his change out of that in a hurry.

——IN one of the memoirs of the late Duke of Wellington, his grace is made to narrate the following anecdote: "I was lately in the house of a French marquis; they brought in a little child to see me; I wanted to take it in my arms, but the little child seemed to have a great aversion to me. So I said to the little thing, '*Pourquoi*?' and, clinging to the nurse, it said, '*Il bat tout le monde!*' I suppose she had heard her nurse say say so, and thought I should beat *her*."

——SONAMBULISM IN FRANCE.—The tribunal of simple police, Paris, has pronounced its decision in the case of Alexis and several other professional sonambulists. The court has decided against the professors of the magnetic art, and sentenced them each to five days' imprisonment, 15f. fine, and the costs, as being guilty of a breach of the laws against fortune-telling and divining of dreams. It had been argued by M. Jules Favre, for the defendants, that sonambulism was a regular science, which, though still enveloped in mystery, attracted the attention of, and was believed in by many learned men. But the court would not enter into this question, and contented itself with declaring that whether the accused really possessed the power to which they pretended or not, they had violated the penal code by their divinitions. If this decision should be maintained in a superior court, it would knock up a very lucrative business which has enormously increased in Paris of late years.

——HOW THEY PUNISH TREASON IN PERSIA.—We mentioned a few days since the attempt against the Shah of Persia. We now learn that Hajee Suleiman Khan, accused as the instigator of the crime, was seized, his body carefully drilled with a knife in parts which would not at the moment cause death; pieces of lighted candles were then introduced into the holes, and, thus illuminated, carried in procession through the bazaar, and finally conveyed to the town gates, and there cleft in twain like a fat ram. The Kurret-il-Ain, better known as Bab's Lieutenant, or the fair Prophetess of Kazoeen, who, since the late religious outbreak, had been kept a close prisoner at the capital, has been executed with some dozen others. His majesty received three slug wounds in the shoulders, but all of a very slight nature.

——GEORGE CRUIKSHANK.—This talented and inimitable artist is now occupied preparing a series of twenty-seven designs for illustrating an edition of "Uncle Tom's Cabin," the first number of which is to appear on Saturday the 23rd instant. The publisher, John Cassell, is confiding these designs by George Cruikshank to the very first engravers, being determined that this edition shall surpass every other in typography and general getting up, and shall be worthy of the great cause it so eloquently pleads, and that, too, in so cheap and convenient a manner that the most humble individual may obtain a copy for permanent preservation. The designs of George Cruikshank for "The Uncle Tom's Cabin Almanack" are amongst the happiest efforts of this great genius.

——PERVERTED USE OF THE SCRIPTURES.—In the *Journal of Psychologi al Medicine*, there is an extremely interesting paper on "Homicidal Monomania," in which we find another example to be added to the long list of those who, like the Cenci and the Borgia, were at once diabolical and devout: The notorious Burke, who was hanged for murder in Scotland, which he committed for the purpose of selling the remains of his unfortunate victims to the anotomical schools, was very partial and kind to children. He preached religious sermons, and the whole series of his murders was suggested by his confederate Hare reading aloud one winter evening the death of Benhadad by Hazael, in the Second